

# Shire of Cocos (Keeling) Islands

## Shire of Cocos (Keeling) Islands

### Minutes

### Ordinary Meeting of Council

Wednesday 28 August 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.

**TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
<b>1</b>	<b>OPENING/ANNOUNCEMENTS OF VISITORS</b>	<b>6</b>
<b>2</b>	<b>ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)</b>	<b>6</b>
<b>3</b>	<b>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE</b>	<b>6</b>
<b>4</b>	<b>PUBLIC QUESTION TIME</b>	<b>6</b>
<b>5</b>	<b>LEAVE OF ABSENCE</b>	<b>7</b>
5.1	LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	7
5.2	APPLICATION FOR LEAVE OF ABSENCE	7
<b>6</b>	<b>PETITIONS/DEPUTATIONS/PRESENTATIONS</b>	<b>7</b>
<b>7</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS</b>	<b>7</b>
7.1	ORDINARY COUNCIL MEETING HELD ON 31 JULY 2024	7
<b>8</b>	<b>ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS</b>	<b>8</b>
<b>9</b>	<b>DECLARATION OF INTERESTS</b>	<b>8</b>
<b>10</b>	<b>REPORT FROM COMMITTEES AND OFFICERS</b>	<b>8</b>
<b>REPORTS OF OFFICERS</b>		
<b>10.1</b>	<b>CHIEF EXECUTIVE OFFICER</b>	<b>9</b>
10.1.1	CEO REPORT AUGUST 2024	9
10.1.2	KAMPONG HOUSING – DRY WOOD TERMITES	13
10.1.3	COMMUNITY DEVELOPMENT REPORT AUGUST 2024	18
10.1.4	SHIRE OF COCOS (KEELING) ISLANDS POLICY MANUAL REVIEW AUGUST 2024	22
<b>10.2</b>	<b>MANAGER FINANCE AND CORPORATE SERVICES</b>	<b>26</b>
10.2.1	MONTHLY FINANCIAL REPORT – JUNE 2024	26
10.2.2	MONTHLY FINANCIAL REPORT – JULY 2024	30
10.2.3	SCHEDULE OF ACCOUNTS PAID FOR THE PERIOD JULY 2024	34
<b>10.3</b>	<b>MANAGER INFRASTRUCTURE</b>	<b>37</b>
10.3.1	INFRASTRUCTURE AUGUST REPORT	37
<b>11</b>	<b>MINUTES TO BE RECEIVED</b>	<b>42</b>
NIL		42
<b>12</b>	<b>ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	<b>42</b>
<b>13</b>	<b>MOTIONS WITHOUT NOTICE WITH LEAVE OF COUNCIL</b>	<b>42</b>
<b>14</b>	<b>MATTERS BEHIND CLOSED DOORS</b>	<b>42</b>
14.1	CONFIDENTIAL - .CC TLD REPORT AUGUST 2024	43

14.2	CONFIDENTIAL – WATER CHARGES DEBTS	45
<b>15</b>	<b>MATTERS RELATING TO THE LAND TRUSTS</b>	<b>47</b>
<b>15.1</b>	<b>TRUSTS ADMINISTRATION</b>	<b>49</b>
		49
<b>15.2</b>	<b>TRUSTS LEASES</b>	<b>49</b>
15.2.1	CONFIDENTIAL - APPLICATION FOR ASSIGNMENT OF LEASE PART LOT 225 HOME ISLAND COMMUNITY RESOURCE CENTRE - TENANCY 8 CAFÉ	49
15.2.2	CONFIDENTIAL - APPLICATION FOR NEW LEASE PART LOT 225 HOME ISLAND COMMUNITY RESOURCE CENTRE - TENANCY 6 & 7	51
15.2.3	CONFIDENTIAL - APPLICATION FOR NEW LEASE PART LOT 225 HOME ISLAND COMMUNITY RESOURCE CENTRE - TENANCY 1	53
15.2.4	CONFIDENTIAL - APPLICATION FOR NEW LEASE PART LOT 225 HOME ISLAND COMMUNITY RESOURCE CENTRE – TENANCY 3	55
<b>15.3</b>	<b>TRUSTS FINANCE</b>	<b>57</b>
NIL		57
<b>16</b>	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING (LATE ITEM)</b>	<b>57</b>
NIL		57
<b>17</b>	<b>CLOSURE</b>	<b>57</b>

## 1. OPENING/ANNOUNCEMENTS OF VISITORS

The Presiding member declared the meeting open at 4:05pm and welcomed Councillors and Officers.

## 2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

President: Cr A Minkom

Deputy President: Cr I Minkom

Councillors: Cr Badlu  
Cr Lacy  
Cr Sloan  
Cr Knight

Officers: Frank Mills, Chief Executive Officer  
Ibrahim Macrae, Manager Governance Risk and Planning  
Luluk Sloan, Infrastructure Coordinator  
Amallia Alim, Governance Administration Officer  
Nadya Adim, Community Development Coordinator

Guests: Nil

Public: 3

Apologies: Nil

Approved Leave of Absence: Cr Young

## 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 Young	31 July – 3 September 2024	31 July 2024

### 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 31 July 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 31 JULY 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 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 26 JUNE 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 LACY, 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
Cr Lacy	15.2.1	Financial	He is an existing tenant/lessee

**10. REPORT FROM COMMITTEES AND OFFICERS**

## 10.1 CHIEF EXECUTIVE OFFICER

### 10.1.1 CHIEF EXECUTIVE OFFICER REPORT JULY/AUGUST 2024

#### Report Information

Date:	09 August 2024
Location:	Cocos (Keeling) Islands
Applicant:	Shire of Cocos (Keeling) Islands
File Ref:	Nil
Disclosure of Interest:	
Reporting Officer:	Chief Executive Officer
Island:	Shire wide
Attachments:	10.1.1.1 - CKI EMC Executive Agenda 8 August 2024 10.1.1.2 - CKI EMC Exec 22 April 2024 Minutes

#### 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 on the Chief Executive Officer's activities for the July/August reporting period.

#### Relevant Documents

Available for viewing at the meeting.

Nil

## Background

During the reporting period, the Chief Executive Officer has engaged in daily meetings with staff, community members, and representatives from various Commonwealth and State Government agencies, as well as visitors to the Cocos (Keeling) Islands. Notable actions and updates for this month are as follows:

### Previous Council Meeting Actions:

#### May 2024

Council requested that the CEO lobby for a virtual meeting with the Regional Telecommunications Independent Review Committee (the Committee), chaired by the Hon Alannah MacTiernan, including Mr. Ian Kelly, the Hon Fiona Nash, Dr. Jessa Rogers, and Ms. Kristy Sparrow, to discuss the unique telecommunications needs of the Cocos (Keeling) Islands. Despite efforts, a meeting with the Chair could not be scheduled. This action is now considered completed.

#### June 2024

Council requested further clarification on the application by CKI Port Linx for sea dumping to dispose of the “old barge” in an area with a depth of 300 metres, outside the boundary of the Marine Park, before making a decision. A request for further information was sent on 16 July 2024. This action is now considered completed.

### Fulton Hogan – Runway Upgrade

Latest advice from Nicholas Strange FIEAust - Enabling Works Package Manager – Fulton Hogan

*I have a trip planned to undertake some additional information we require for the RO Plant and, we are undertaking the Sydney Highway Audit between 27-30th August. The SOW is noted below:*

*Our site inspections will be done in full compliance with the prevailing speed limits for the roads that we are auditing. We fully comply with the road traffic code of the relevant jurisdiction during our site inspections, which, in this case, is Western Australia. We have no reason to operate outside the law for us to complete our investigations.*

*Our interest is to observe road use characteristics with the existing road infrastructure and to then consider the safety implications of the proposed design.*

*Where appropriate or when the weather is cooperative, we like to conduct our inspections during periods of adverse environmental conditions, to better understand the range of issues that road users may face (e.g, sun glare, storms or heavy rain & associated flooding, tidal effects etc etc). In addition, we try not to influence the road user behaviour of others while on site e.g. the 2 guys standing on the side of the road in yellow vests looking like policemen, causing some drivers to slow down.*

*Day and night site inspections are a mandatory requirement.*

*We are required to conduct separate site inspections, including a daytime and night time inspection (as required by IPWEA / Main Roads WA for road safety audits completed in Western Australia).*

#### *Traffic management plan*

*Regarding TMPs, our inspections on site will be undertaken in accordance with the requirements of the Austroads Guides to Temporary Traffic Management Part 5 in particular section 4.2 – Work between gaps in traffic. This will be undertaken under a JSA risk assessment and work method. Any observations that require personnel in lane will be undertaken with a spotter when there is no approaching traffic. Noting that works between gaps in traffic does not require a TMP/TGS (refer section 4.2.5), which outlines, “Work between gaps in traffic does not require an approved TGS diagram when the works are completed in accordance with this clause.”*

*In addition to this, Andrew McDougall who will be in attendance at the site inspections, is qualified in Advanced Worksite Traffic Management (AWTM) and is also a Roadworks Traffic Manager (RTM).*

Further advice received as follows from Lance van Drunick, Project Director, Fulton Hogan:

*Update on the two items:*

- 1. As per Nick’s email last week, we have engaged consultants to undertake a Road Safety Audit for Sydney Highway from 27th to 30th of August.*
- 2. We have continued to liaise with DWER (Department of Water and Environmental Regulation) as the assessment process of our Works Approval for the Stilling Basin has progressed and have been providing additional information as requested. Based on the statutory assessment timeframes, it is expected that a decision on the application will be received in early September.*

The next meeting with Fulton Hogan is scheduled for 12 September 2024.

#### **Emergency Management Committee**

Attended a meeting of the Cocos (Keeling) Islands Emergency Management Committee, chaired by IOT Administrator Farzian Zainal. The minutes from the previous meeting and the agenda for this meeting are attached for your information. No action items were identified from this meeting.

#### **Personal leave**

The Chief Executive Officer was on personal leave for the period 9 August 2024 to 27 August 2024.

**Policy and Legislative Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Nil

**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 JULY/AUGUST 2024.

**COUNCIL RESOLUTION – ITEM NO 10.1.1**

**MOVED CR BADLU**

**SECONDED CR I. MINKOM**

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

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

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

**AGAINST: NIL**

## 10.1.2 KAMPONG HOUSING – DRY WOOD TERMITES

### Report Information

Date: 14 August 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 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 the Council with an update based on advice from Civic Legal, the Department of Primary Industries, Shire Staff, and Professor Theo Evans from the University of Western Australia regarding dry wood termite infestations in housing within the Kampong on Home Island.

### Relevant Documents

Available for viewing at the meeting.

Nil

## Background

Council discussed the Dry Wood Termite (DWT) issue at the July 2024 Ordinary Meeting of Council. An action item from that meeting was to have additional houses inspected for DWT infestations by a suitably qualified person. A request was made to the Department of Primary Industries and Regional Development (DPIRD), Western Australia, which responded as follows:

01 August 2024 - Lindsay Strange:

*"This will be something Marc will have to fit into the October trip if he has time. We don't have funding in the 2024/25 budget for extra trips to CKI. I do know this was looked at previously around 2015 (or thereabouts) and treating a whole house was very expensive. By memory, it was 20k per house back then, and there were no guarantees it would completely remove the termites. I will leave it to Marc to respond, he is the expert in this field. I am more than happy for Marc to undertake the inspections if he can fit it in. As previously discussed, the CKI Shire will need to look at longer-term solutions as well. Using building materials that are less susceptible to Dry Wood Termites will help in the long term. Changing the building codes to support this may be something the CKI Shire should consider."*

01 August 2024 – Marc A. Widmer - Senior Technical Officer, Invasive Species and Environmental Biosecurity:

*"Re: Conduct in-depth inspections of 10 houses in the Kampong."*

*Thank you for your email. We fully understand the gravity of the DWT situation within the IOT and your concerns. However, a special trip outside our normal agenda would be difficult due to Department processes for authorization and incumbent travel arrangements, extracurricular to our normal workloads. As discussed, we have been inspecting buildings and dwellings on our scheduled visits in the past and were intending to do so in the future, but this has been impromptu or as opportunities arose. May I suggest a compromise where the Shire designates and organises consent to inspect 10 properties within the Kampong to fast-track the process, and we make an extra effort to achieve the inspections on our scheduled visits. If the Shire can support DPIRD with this groundwork, it should be possible to complete 5 inspections and assessments by the end of October this year and 10 by the end of January next year. If this is not a suitable arrangement, I could try sourcing recommendations from other professionals to assist with your request. We have three 7-day visits upcoming:*

- *October 24-Nov 1, 2024*
- *January 17-24, 2025*
- *May 9-16, 2025*

*I must advise that while I understand DWT biology, behaviour, and aspects of control, I am not qualified to comment on the structural integrity of a building, and I have no professional indemnity in this field. I would also propose that Jack from Happy Jacks is available to support DPIRD during operations as he understands the buildings, the local people, and their language and has their trust, and I have benefited from his professional services for this work in the past.*

*Please feel free to call or email if you would like to discuss this matter further."*

13 August 2024 - Magdalena Zabek (Map of surveyed dwellings attached to this report):

*"The attached map shows the results from our inspections of 32 dwellings on Home Island from about 2021 to 2024:*

- *Pink: Dwellings confirmed to be infested by DWT.*
- *Yellow: Dwellings suspected to be infested by DWT, as evidence of termite activity was present.*

*I hope this information will assist the Shire."*

13 August 2024 – Magdalena Zabek:

*"This map probably warrants additional explanation. If you look at the map, you will see that each of the surveyed dwellings was either infested or suspected to be infested by DWT, which may lead to a suspicion that all or most of the dwellings on Home Island are infested as well. While we cannot rule out this possibility, it is important to note that our inspections are not random. In other words, we usually inspect dwellings that are being reported to us as having signs/suspicion of DWT activity. As Lindsay pointed out earlier, we aim to inspect about 3-4 dwellings during each trip. If you let us know which properties you would like us to inspect in October, we will make sure we add them to our list."*

05 August 2024 – Professor Theo Evans:

*"I have worked with termites for almost 30 years, including 15+ years at CSIRO, 4+ in Singapore at NUS, and 9 years at UWA. I have worked with several drywood termite species, including *Cryptotermes dudleyi* and *Cryptotermes domesticus*.*

*You stated that they both 'exist freely in the built and natural environment.' Just to be certain, do you mean they live in wood-in-service (i.e., in buildings, power poles, fences, etc.) and street trees for the built environment, and in forest trees in the natural environment? I ask to get an idea of the extent of the distribution and population. By 'severe,' do you refer to the extent of the damage to particular buildings, the geographical extent of damaged buildings, or some other measurement? I note that you stated you were about to inspect 10 houses randomly, so I'm guessing the geographic extent is unknown. You may be aware that *Cryptotermes dudleyi* and *Cryptotermes domesticus* are native to SE Asia. They are found in Australia, in Broome, the Top End of the NT, and Cape York. It is possible they came to Australia through driftwood from Indonesia, or by boat (possibly a long time ago, with Indonesian fishers) – much speculation. So do you know if these species are native to Cocos Islands, or at least have been present for a very long time? Or were they introduced more recently?"*

06 August 2024 – Professor Evans:

*"I mentioned that drywood termites are treated differently from subterranean termites. There are preventative and remedial management options. Choosing the best options will depend on the physical distribution of the termites in the Kampong and across the island. Therefore, it would be good to get an idea of the geographic distribution of the termites. I suggested surveying the villagers, as it was fast and low (no?) cost, compared with using a pest control operator.*

*First up, something simple I didn't suggest on Thursday. You could collect some of the termite frass into a jar, print out some photos of frass piles, and then walk through the Kampong and go door to door, asking people if they have seen the frass in their homes. Then you could map the positives (termites present) and the negatives (termites absent) across the Kampong. Second, the process I suggested on Thursday. This is more difficult, so fewer villagers may be interested in helping out; however, it will provide more detailed data and better ascertain the scale of the problem. Ask the villagers to sweep up all termite frass in their homes (they could measure this using simple volume measurements, such as teaspoons and tablespoons). Then allow the frass to accumulate over one week (note one week may be too short for much frass to accumulate). Then ask them to sweep up the frass, separately for each room. How much frass in each room? How many piles of frass in each room? This will give an idea of the extent of the termites within the house and the distribution of the termites (how concentrated) in the house. Once we have an idea of the distribution of the termites, then I can advise you better on management options. This information would also be useful in preparing applications for funding."*

12 August 2024 – Civic Legal:

*Further discussions were held with Civic Legal between Anthony Quahe and the Council Chief Executive Officer, focusing on the testing regime to be carried out by the Shire and the evaluation of results by Professor Evans before any further advice from Civic Legal would be required.*

### **Comment**

It is apparent that residents, the Shire, the Western Australian Government DPIRD, and the Commonwealth Government's Department of Infrastructure, Transport, Regional Development, Communications, and the Arts have been aware of the DWT infestations for at least ten years. During this time, little more than random testing by DPIRD has been done to determine the extent of the infestations.

The action proposed by DPIRD is not seen as conducive to resolving the issue in the immediate future, so the following actions will be undertaken:

Shire staff have arranged for a further seven houses to be inspected by Happy Jacks, and reports on those inspections will be developed and provided to the Shire. Shire staff will also engage with the community to carry out frass identification actions as outlined by Professor Evans. Both Happy Jacks and Shire test results are expected by the end of August 2024 and, when complete, will be provided to Professor Evans for interpretation and recommendation.

### **Policy and Legislative Implications**

The Shire of Cocos (Keeling) Islands Housing Policy is under review, and any action taken regarding DWT infestations may impact the review and contents of the policy.

### **Financial Implications**

The financial implications for the Shire acting on behalf of the Trust to effectively identify and possibly treat the DWT infestations may be significant. Once data has been collected and analysed, a better indication will be available.

### **Strategic Implications**

It would be strategically prudent to involve the Commonwealth and West Australian Governments in any remedial process proposed for the DWT infestations.

### **Voting Requirements**

Simple majority.

### **OFFICER RECOMMENDATION – ITEM NO 10.1.2**

THAT COUNCIL, BY SIMPLE MAJORITY, NOTE AND RECEIVE THE REPORT PROVIDED REGARDING THE CURRENT SITUATION OF DRY WOOD TERMITE (DWT) INFESTATIONS IN KAMPONG HOUSING ON HOME ISLAND.

### **COUNCIL RESOLUTION – ITEM NO 10.1.2**

**MOVED CR I. MINKOM**

**SECONDED CR SLOAN**

**THAT COUNCIL, BY SIMPLE MAJORITY, NOTE AND RECEIVE THE REPORT PROVIDED REGARDING THE CURRENT SITUATION OF DRY WOOD TERMITE (DWT) INFESTATIONS IN KAMPONG HOUSING ON HOME ISLAND.**

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

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

**AGAINST: NIL**

### 10.1.3 COMMUNITY DEVELOPMENT REPORT AUGUST 2024

#### Report Information

Date: 19 August 2024  
 Location: Cocos Keeling Islands  
 Applicant: Shire of Cocos (Keeling) Islands  
 File Ref:  
 Disclosure of Interest:  
 Reporting Officer: Community Development Coordinator  
 Island: Cocos Keeling Islands  
 Attachments: 10.1.3.1 - Community Development Officer -Culture and Heritage Officer – Cultural Precinct Report  
 10.1.3.2 - Jukong Anatomy Diagram DRAFT

#### 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 on the programs and events within the Community Development Team for August 2024.

#### Community Development Coordinator Updates

Athletics WA: Kylie Wheeler, Olympian and Commonwealth Games medalist, was scheduled to visit CKI to offer free sessions on running, jumping, throwing, etc., in preparation for the sports carnival. Unfortunately, this event was cancelled due to flight disruptions from August 6-9, 2024.

Territory Week: Territory Week will be held on Christmas Island from October 4 to 8, 2024. Christmas Island has invited 6 members of the Youth Council (CIYC) and the Community

Development Team, along with 6 volunteers/parents, to participate in traditional Scottish dance (Dangsa Set) and music. The event will also feature a market day with Cocos Island's Seniors Group, SUKA DUKA. Flights and accommodations are covered by the Christmas Island Shire through grant funding. The event aims to strengthen ties through cultural exchanges and preserve traditions by passing them on to newer generations in Cocos.

RUOK Day: RUOK Day is on September 12, 2024, but our event will be held on Saturday, September 14, to allow more people to participate. The event will be a collaboration with the Indian Ocean Territories Health Services (IOTHS). Leah Hobbs, the Community Mental Health Nurse for Cocos Islands, will speak about the importance of mental health in the community. The event will take place on Home Island, which is more accessible for seniors and people with disabilities. The location is to be confirmed, and the event is expected to run from 10:30 AM to 12:00 PM, allowing time for attendees from West Island to arrive by ferry.

### **Community Development Officer – Culture and Heritage Updates**

#### Projects:

- Jukong Restoration Project with Nek Callum
- Museum Upgrade
- Batik Project
- ASDD Book

#### Jukong Restoration Project:

- Nek Callum is nearing completion of the Selerang, with the hull in good condition. He has stripped and sanded the hull and is now filling gaps between the papan for a smooth finish before repainting.
- Nek Ainul continues work on the boat support frames.

#### Museum:

- Niamh Swingler, Culture and Heritage Officer, will spend a week in Perth with Tim Eastwood at the WA Museum from August 23 to 30 to gain insights into museum operations that can be applied to the Pulu Kokos Museum.
- Niamh has completed a Jukong Terminology Poster for distribution to the school and some staff at the WA Museum.
- Council is encouraged to provide feedback on the report presented at the last meeting to finalize the new Museum branding and signage updates.
- No further updates on the salt extraction project at this time. A review is needed to determine who will undertake this work moving forward.

#### Batik Project:

- The grant application was completed and submitted to Regional Arts Australia on August 16, 2024. We are optimistic about the outcome, given the strong community support.

ASDD Book:

- Nadya is progressing with translations for the ASDD book, which are then integrated into the layout.
- The book will require an internal review by someone with a deep understanding of community relationships and fluency in both Cocos Malay and English to ensure it is tasteful and represents the community well.

**Risk Implications**

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	Budget allocations may be significantly exceeded.	Moderate (6)	Variances are monitored and reported to Council monthly for corrective action.
Reputation	The monthly financial statements are subject to public scrutiny.	Low (3)	Procedures are in place to ensure all expenditure is justifiable.
Compliance	The report must be presented to Council within two months to comply with legislation.	Low (3)	Processes are in place to ensure compliance with relevant legislation.
Fraud	Risk of report manipulation.	Low (3)	Interim and end-of-year audits are conducted.

**Risk Matrix**

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

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION – ITEM NO 10.1.3**

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

**COUNCIL RESOLUTION – ITEM NO 10.1.3**

**MOVED CR I. MINKOM**

**SECONDED CR BADLU**

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

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

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

**AGAINST: NIL**

## 10.1.4 SHIRE OF COCOS (KEELING) ISLANDS POLICY MANUAL REVIEW AUGUST 2024

### Report Information

Date:	11 September 2024
Location:	Cocos (Keeling) Islands
Applicant:	Shire of Cocos (Keeling) Islands
File Ref:	
Disclosure of Interest:	
Reporting Officer:	Leasing & Policy Development Officer
Island:	Shire Wide
Attachments:	10.1.4.1 - Shire of Cocos (Keeling) Islands Policy Manual Review 2024 – Summary of Changes 10.1.4.2 - Shire of Cocos (Keeling) Islands Policy Manual Review 2024 – With Tracked Changes 10.1.4.3 - Shire of Cocos (Keeling) Islands Policy Manual Review 2024 – Tracked Changes Accepted

### Authority / Discretion

#### Definition

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

### Report Purpose

To present the updated Shire of Cocos (Keeling) Islands Policy Manual for Council consideration.

### Relevant Documents

Available for viewing at the meeting.

Nil

## Background

Section 2.7 of the *Local Government Act (WA) (CKI) 1995* outlines the Council's role in determining the local government's policies. Policies serve to guide Council, staff, and the community, articulating the Council's position on matters related to governance and resource management. They are designed to promote sound and equitable decision-making.

Policies are not binding but provide a framework to avoid ad-hoc decision-making. Typically, they are living documents that evolve through review and refinement in response to internal and external changes.

The last comprehensive review and adoption of Council Policies took place in August 2023.

## Comment

Attachment 10.1.4.2 includes the reviewed policies (with tracked changes) and a summary page Attachment 10.1.4.1 detailing the amendments made. For ease of reading, Attachment 10.1.4.3 contains the revised policy manual without tracked changes.

The policy manual is categorised under the following headings:

- Administration CPA
- Chief Executive Officer CPC
- Finance & Human Resource CPFH
- Governance CPG
- Infrastructure CPI

The following policy is still under review and will be presented to Council at a future Ordinary Council Meeting:

Policy		Category
CPC6	Home Island Housing Policy	Chief Executive Officer

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

Policy		Category
CPC28	Employee Leave Policy	Chief Executive Officer
CPC29	Flexible Working Arrangements Policy	
CPC30	Remote Work Policy	

Attachment 10.1.4.2 contains the reviewed policies (with tracked changes) and a summary page. For ease of reading, Attachment 10.1.4.3 includes the revised policy manual without tracked changes.

## Future Policy Reviews

The policy manual will be reviewed in June 2025.

## Policy and Legislative Implications

Section 2.7 of the *Local Government Act (WA) (CKI) 1995* mandates the Council to determine the local government's policies. Sections 5.128, 5.90A, and 5.39 relate to specific Council policies and require an Absolute Majority decision.

## Strategic Implications

Shire of Cocos Keeling Islands Corporate Business Plan

*Key Result Area 4 – Civic Leadership*

*Objective 2 – Provide quality information for Council decision-making*

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

## Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Reputation	Lack of transparency and inconsistent decision-making; perception of decisions based on personalities	High (16)	Implement well-considered policies that guide decisions and ensure consistency.
Service Interruption	Delays in decision-making due to lack of policy guidance	Moderate 8	Develop policies to streamline and expedite decision-making processes.
Compliance	Decisions not in line with legislation	Moderate 8	Ensure policies align with legislative requirements.

## Risk Matrix

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

## Voting Requirements

Absolute Majority

## Conclusion

The draft updated Shire of Cocos (Keeling) Islands Policy Manual June 2024 is presented for Council's consideration. The officer's recommendation is that Council adopt the proposed Policy Manual August 2024 as detailed in Attachment 10.1.4.3.

**OFFICER RECOMMENDATION - ITEM NO 10.1.4**

THAT COUNCIL, BY ABSOLUTE MAJORITY, PURSUANT TO SECTION 2.7 OF THE *LOCAL GOVERNMENT ACT (WA) (CKI) 1995*, RESOLVES TO ADOPT THE UPDATED SHIRE OF COCOS (KEELING) ISLANDS POLICY MANUAL AUGUST 2024 AS DETAILED IN ATTACHMENT 10.1.4.3.

**COUNCIL RESOLUTION – ITEM NO 10.1.4**

**MOVED CR LACY**

**SECONDED CR I. MINKOM**

**THAT COUNCIL, BY ABSOLUTE MAJORITY, PURSUANT TO SECTION 2.7 OF THE *LOCAL GOVERNMENT ACT (WA) (CKI) 1995*, RESOLVES TO ADOPT THE UPDATED SHIRE OF COCOS (KEELING) ISLANDS POLICY MANUAL AUGUST 2024 AS DETAILED IN ATTACHMENT 10.1.4.3.**

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

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

**AGAINST: NIL**

## 10.2 MANAGER FINANCE AND CORPORATE SERVICES

### 10.2.1 MONTHLY FINANCIAL REPORT – JUNE 2024

#### Report Information

Date: 5 August 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 June 2024  
 10.2.1.2 – Capital Program June 2024  
 10.2.1.3 – Cash Reserves June 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

The purpose of this report is to provide a monthly financial report for June 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 June 2024. The current closing municipal surplus for this period is \$774,286 compared to a budget position of \$0.

Income for the period year to date is \$10,854,241 which is made up \$10,328,731 in operating revenues and \$525,510 in capital grants. The budget estimated \$10,071,444 would be received for the same period. The variance to budget is \$257,287.

Expenditure for the period year to date is \$8,583,057 excluding depreciation. This is made up of \$6,657,354 in operating expenditure and \$1,925,703 in capital expenditure. The budget estimated \$8,917,025 would be spent for the same period. The variance to budget is \$333,968.

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

**COUNCIL RESOLUTION – ITEM NO 10.2.1**

**MOVED CR SLOAN**

**SECONDED CR BADLU**

**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 JUNE 2024, AS CONTAINED IN ATTACHMENT 10.2.1.1; AND**
- 2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 30 JUNE 2024, AS CONTAINED IN ATTACHMENT 10.2.1.1.**

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

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

**AGAINST: NIL**

## 10.2.2 MONTHLY FINANCIAL REPORT – JULY 2024

### Report Information

Date: 18 August 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: 10.2.2.1 - Monthly Financial Report July 2024  
 10.2.2.2 – Capital Program July 2024  
 10.2.2.3 – Cash Reserves July 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 checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i>
<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

### Report Purpose

The purpose of this report is to provide a monthly financial report for July 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 July 2024. The current closing municipal surplus for this period is \$4,118,512 compared to a budget position of \$0.

Income for the period year to date is \$4,233,248 which is made up \$4,233,248 in operating revenues and \$0 capital grants. The budget estimated \$4,663,225 would be received for the same period. The variance to budget is \$429,977.

Expenditure for the period year to date is \$886,886 excluding depreciation. This is made up of \$869,457 in operating expenditure and \$17,429 in capital expenditure. The budget estimated \$1,256,702 would be spent for the same period. The variance to budget is \$369,816.

Details of all material variances against the current budget are provided in the notes to the Monthly Financial Report contained within Attachment 10.2.2.1.

## 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:

- d. An explanation of the composition of the net current assets, less committal assets and restricted assets;
- e. An explanation of material variances; and
- f. Such supporting information that is relevant to the Local Government

## Strategic Implications

Nil

## Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	That budget allocations are significantly exceeded.	Moderate (6)	Variances are monitored and highlighted to Council on a monthly basis for corrective action.

Reputation	The monthly financial statements are open to public scrutiny.	Low (3)	Procedures in place to ensure all expenditure is justifiable.
Compliance	The report is to be presented to Council within two months in order to comply with relevant legislation.	Low (3)	There are processes in place to ensure compliance with legislation.
Fraud	That the report is manipulated.	Low (3)	Interim and end of year audits.

### Risk Matrix

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

### Voting Requirements

Simple majority.

### Conclusion

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

### OFFICER RECOMMENDATION – ITEM NO 10.2.2

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 JULY 2024, AS CONTAINED IN ATTACHMENT 10.2.2.1; AND
2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 31 MAY 2024, AS CONTAINED IN ATTACHMENT 10.2.2.1.

### COUNCIL RESOLUTION – ITEM NO 10.2.2

MOVED CR I. MINKOM

SECONDED CR BADLU

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 JULY 2024, AS CONTAINED IN ATTACHMENT 10.2.2.1; AND
2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 31 MAY 2024, AS CONTAINED IN ATTACHMENT 10.2.2.1.

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

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

**AGAINST:** NIL

### 10.2.3 SCHEDULE OF ACCOUNTS PAID FOR THE PERIOD JULY 2024

#### Report Information

Date: 19 August 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: 10.2.3.1 - Schedule of Accounts Paid July 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 July 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 10.2.3.1.

Payment Type	Amount (\$)
EFT Payments #10797 to #10874	\$991,732.75
Direct Debit Payment	\$60,156.46
Cheque Payment 11745 – 11746	\$45,882.53
<b>Total Payments</b>	<b>\$1,097,771.74</b>

Contained within Attachment 10.2.3.1 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 July 2024

### OFFICER RECOMMENDATION – ITEM NO 10.2.3

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 JULY 2024 TOTALLING \$1,097,771.74 AS CONTAINED IN ATTACHMENT 10.2.3.1 AND;
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD AND NO FUEL CARD EXPENDITURE FOR THE PERIOD JULY 2024, AS CONTAINED IN ATTACHMENT 10.2.3.1.

### COUNCIL RESOLUTION – ITEM NO 10.2.3

MOVED CR LACY

SECONDED CR SLOAN

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 JULY 2024 TOTALLING \$1,097,771.74 AS CONTAINED IN ATTACHMENT 10.2.3.1 AND;
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD AND NO FUEL CARD EXPENDITURE FOR THE PERIOD JULY 2024, AS CONTAINED IN ATTACHMENT 10.2.3.1.

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

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

## 10.3 MANAGER INFRASTRUCTURE

### 10.3.1 INFRASTRUCTURE AUGUST REPORT

#### Report Information

Date: 16 August 2024  
 Location: Cocos (Keeling) Islands  
 Applicant: Shire of Cocos (Keeling) Islands  
 File Ref: Nil  
 Disclosure of Interest: Nil  
 Reporting Officer: Infrastructure Coordinator  
 Island: Cocos (Keeling) Islands  
 Attachments: Nil

#### Authority / Discretion

#### Definition

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input 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 during the reporting period.

#### Relevant Documents

Available for viewing at the meeting.

Nil

The Shire's approved budget for 2024/2025 focuses on maintaining existing building infrastructure assets rather than new construction. This year's budget emphasises the upkeep of various assets while allowing for ongoing flexibility and service delivery to the community.

### BUILDING AND PLUMBING

Plumbing: Recent months have seen an increase in plumbing issues on Home Island, primarily related to old water connections for kampong houses. New water pipework has been installed to address these issues. Although this is a significant investment, it is essential to prevent future leaks. We are collaborating with Water Corporation to resolve water leak issues and assist with their water services.

We have also addressed several issues with solar hot water units for rentals and leased tenancies, recording units that are out of service.

Building: The Direction Island main shelter replacement project is on hold pending the relocation or disconnection of communications infrastructure owned by AFP. AFP has indicated a potential timeframe for relocation in August. We are coordinating with Cocos Coop Stevedoring for the transportation of necessary plant and machinery.

Additionally, the construction of a storeroom at HI Museum has been completed, and refurbishment works at the Chula Shed will commence in the coming months. With some senior staff and an apprentice away, the remaining team is handling minor maintenance for kampong houses.

### ROADS

As part of the Supplementary Road Funding, we will repave sections of Jalan Masjid and Jalan Kembang Molok. Materials have been procured and are expected to arrive later this year.

### PLANT REPLACEMENT

A replacement ride-on mower has arrived on the island. Tender documentation is being prepared for the purchase of a replacement loader for West Island.

### PARKS AND RESERVES

The infrastructure maintenance team has been busy maintaining and enhancing parks and reserves on Home, West, and Direction Islands. We are actively managing leaf accumulation and are open to community suggestions for improvement.

In July, we notified the community about decommissioning unsafe playground equipment and will seek their views on repurposing the space. Refurbishment of the skate park infrastructure on Home Island has begun, including replacing damaged timber panels.

### ENVIRONMENT

Vegetation: Seedlings are being planted to combat coastal erosion. Trials for natural revegetation are showing positive results with significant seedling growth.

Marine Debris: Additional marine debris bags have been ordered, and Sea Shepherd will be on the island from October 18th for debris collection. Tangaroa Blue has secured funding for marine debris cleanups later this year.

Waste/Water Education: "Let's Get Sorted" messaging continues through social media and our website. An updated Waste Guide, developed with DWER's assistance, will be distributed to all households upon completion.

Waste Management: A new fence has been installed at Home Island Transfer Station. Quotes are being sought for additional fencing to comply with license requirements. Parts for a water monitoring bore have arrived, with installation planned for early September. We have sent off our third container of used tyres and are nearing completion of a second container of baled aluminium cans. Asbestos removal is ongoing, with plans for further containers on Home and West Islands.

Transfer Station Tours: During the Administrator's visit, tours of Home and West Island Transfer Stations were conducted to highlight current practices and recycling successes.

Container Deposit Scheme: Tim Francis and Ross Belton provided a presentation on the Container Deposit Scheme's potential benefits for waste management on Cocos. A similar presentation will be made to the Council before the September meeting.

### **Comment**

This report provides an update on the status of approved capital and operational activities for this period.

### **Policy and Legislative Implications**

Nil

### **Financial Implications**

Project finances are monitored to ensure works remain within budget. Any unforeseen variances, such as increased freight costs, will be identified early for projects yet to commence.

### **Strategic Implications**

Delays in project delivery may occur if staffing or external trade issues 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 non-compliance with Work Health and Safety requirements	Moderate	Provide adequate training and constant monitoring.
Reputation	Projects are not delivered and up to required standard	Moderate	Schedule works and provide updates.
Service Interruption	Loss of key personnel	Moderate	Ensure adequate staffing for project delivery.
Compliance	Non-compliance with regulations	Low	Ensure Supervisors and Managers are knowledgeable about standards and codes.
Property	Damage to property	Moderate	Staff should be aware of surroundings to avoid damage.
Environment	Environmental damage	Moderate	Minimise impact and rehabilitate affected areas.

### Risk Matrix

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

### Voting Requirements

Simple majority.

### OFFICER RECOMMENDATION – ITEM NO 10.3.1

THAT COUNCIL, BY SIMPLE MAJORITY, NOTE AND RECEIVE THE SHIRE'S INFRASTRUCTURE CO-ORDINATOR MONTHLY REPORT FOR AUGUST 2024.

**COUNCIL RESOLUTION – ITEM NO 10.3.1**

**MOVED CR I. MINKOM**

**SECONDED CR LACY**

**THAT COUNCIL, BY SIMPLE MAJORITY, NOTE AND RECEIVE THE SHIRE'S INFRASTRUCTURE CO-ORDINATOR MONTHLY REPORT FOR AUGUST 2024.**

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

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

**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.*

### **PROCEDURAL MOTION**

**MOVED CR I. MINKOM**

**SECONDED CR SLOAN**

**THAT COUNCIL BY SIMPLE MAJORITY, RESOLVES TO MOVE BEHIND CLOSED DOORS AT 4:27PM 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, LACY, MINKOM, MINKOM, SLOAN**

**AGAINST: NIL**

### **PROCEDURAL MOTION**

**MOVED CR I. MINKOM**

**SECONDED CR SLOAN**

**THAT COUNCIL, BY SIMPLE MAJORITY, RESOLVES TO MOVE FROM BEHIND CLOSED DOORS THE TIME BEING AT 5:19PM.**

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

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

**AGAINST: NIL**

## 14.1 CONFIDENTIAL - .CC TLD REPORT AUGUST 2024

### Report Information

Date: 08 August 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>

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

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

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

- (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 14.1**

AS PER THE CONFIDENTIAL ITEM.

**COUNCIL RESOLUTION – ITEM NO 14.1**

**MOVED CR LACY**

**SECONDED CR SLOAN**

**THAT COUNCIL, BY SIMPLE MAJORITY:**

- 1. APPROVE THE NOMINATION OF THE SHIRE PRESIDENT, DEPUTY SHIRE PRESIDENT, CHIEF EXECUTIVE OFFICER, AND MANAGER OF GOVERNANCE, RISK AND PLANNING TO ATTEND THE AUSTRALIAN INTERNET GOVERNANCE FORUM AS OUTLINED IN THIS REPORT.**
- 2. THAT THE COST OF TRAVEL AND ATTENDANCE BE MET BY THE COUNCIL'S VERISIGN RESERVE FUNDING IN ACCORDANCE WITH COUNCIL POLICY.**

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

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

**AGAINST: NIL**

**COUNCIL RESOLUTION**

**MOVED CR I. MINKOM**

**SECONDED CR LACY**

**THAT COUNCIL SUSPEND STANDING ORDERS, THE TIME BEING 4:38PM.**

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

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

**AGAINST: NIL**

**COUNCIL RESOLUTION**

**MOVED CR I. MINKOM**

**SECONDED CR LACY**

**THAT COUNCIL RESUME STANDING ORDERS, THE TIME BEING 5:15PM.**

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

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

**AGAINST: NIL**

**14.2 CONFIDENTIAL – WATER CHARGES DEBTS**

**Report Information**

Date: 18 August 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: Outstanding water Corporation debts

**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.</i>

		<i>Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i>
<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

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

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

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

- (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 I. MINKOM**

**SECONDED CR LACY**

**THAT COUNCIL, BY SIMPLE MAJORITY:**

- 1. CONSIDERS ADOPTING OPTION 1 TO MEET ITS OBLIGATIONS AS A LANDOWNER.**
- 2. DIRECTS STAFF TO ASSIST THE WATER CORPORATION IN FOLLOWING UP ON OUTSTANDING DEBTS IN LINE WITH COUNCIL POLICY.**

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

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

**AGAINST: NIL**

## 15. MATTERS RELATING TO THE LAND TRUSTS

Nil



## 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

*Cr T Lacy have declared financial interest regarding Item No 15.2.1 and left the meeting room at 5:15pm.*

### 15.2.1 CONFIDENTIAL - APPLICATION FOR ASSIGNMENT OF LEASE PART LOT 225 HOME ISLAND COMMUNITY RESOURCE CENTRE - TENANCY 8 CAFÉ

#### Report Information

Date: 14 August 2024  
 Location: Part Lot 225 HOME ISLAND CRC Tenancy 8 Cafe  
 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 I. MINKOM**

**SECONDED CR SLOAN**

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

- 1. TO GRANT APPROVAL FOR THE ASSIGNMENT OF THE LEASE FOR PART LOT 225 HOME ISLAND CRC TENANCY 8 (THE CAFÉ) TO MR MACRAE AND MRS SARAYA ON THE BASIS THAT THE NEW LESSEE ACCEPTS ALL TERMS AND CONDITIONS AND ANY SPECIAL CONDITIONS OF THE CURRENT LEASE, INCLUDING THE LEASE EXPIRY DATE OF 31 AUGUST 2026 WITH A TWO (2) YEARS OPTION;**
- 2. TO ADVISE THE NEW LESSEES THAT REGULAR INSPECTIONS OF COMMERCIAL TENANCY WILL BE CONDUCTED;**
- 3. TO IMPOSE A ONE-OFF LEASE ASSIGNMENT PREPARATION FEE OF \$260 PAYABLE BY THE LESSEES;**
- 4. TO SPECIFY THAT THE PURPOSE OF THE LEASE IS TO OPERATE A CAFE;**
- 5. TO STIPULATE THAT IF THE NEW LESSEES FAIL TO MEET THE CURRENT PAYMENT ARRANGEMENTS, THE SHIRE WILL TERMINATE THE NEWLY ISSUED LEASE AND INITIATE A RE-ADVERTISEMENT PROCESS FOR AN EXPRESSION OF INTEREST (EOI) FOR A NEW LEASE;**
- 6. TO NOTIFY THE OUTGOING LESSEES THAT ANY OUTSTANDING MONIES OWED TO THE SHIRE MUST BE PAID IN FULL.**
- 7. TO AUTHORISE THE SHIRE PRESIDENT AND OR CHIEF EXECUTIVE OFFICER TO SIGN AND AFFIX THE SHIRE OF COCOS (KEELING) ISLAND COMMON SEAL TO THE LEASE ASSIGNMENT DOCUMENTS.**

*Cr Lacy returned to the meeting room at 5:16m.*

**15.2.2 CONFIDENTIAL - APPLICATION FOR NEW LEASE PART LOT 225 HOME ISLAND COMMUNITY RESOURCE CENTRE - TENANCY 6 & 7**

**Report Information**

Date: 15 August 2024  
 Location: Part Lot 225 HOME ISLAND CRC TENANCY 6 & 7  
 Applicant: Shire of Cocos (Keeling) Islands  
 File Ref:  
 Disclosure of Interest:  
 Reporting Officer: Leasing & Property 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 15.2.2**

AS PER THE CONFIDENTIAL ITEM.

**COUNCIL RESOLUTION – ITEM NO 15.2.2**

**MOVED CR I. MINKOM**

**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 OF THE LEASE FOR PART LOT 225 HOME ISLAND COMMUNITY RESOURCE CENTRE TENANCY 7 AND 8 TO THE INDIAN OCEAN GROUP TRAINING ASSOCIATION (IOGTA) ON THE CONDITION THAT:
  - a. THE LEASE FEE BE SET AS PER THE RECOMMENDED VALUATION BY AN INDEPENDENT VALUER AT \$5,760.00 PER ANNUM, SUBJECT TO ANNUAL CPI REVIEWS AND A ONE-OFF LEASE PREPARATION FEE OF \$260;**
  - b. THE LEASE TERM BE TEN (10) YEARS;**
  - c. THE PROSPECTIVE LESSEE IS RESPONSIBLE FOR ALL BUILDING MAINTENANCE PER LEASE CONDITIONS;****
- 2. THE LEASE PURPOSE IS TO UTILISE THE SPACE AS AN OFFICE/TRAINING OFFICE AREA;**
- 3. IF NO OBJECTIONS ARE RECEIVED DURING THE PUBLIC NOTICE PERIOD, THE CHIEF EXECUTIVE OFFICER IS AUTHORISED TO ENTER INTO THE LEASE USING THE SHIRE'S NEW COMMERCIAL LEASE TEMPLATE AND THE CONDITIONS OUTLINED ABOVE;**
- 4. IF OBJECTIONS ARE RECEIVED, CONSIDER ALL PUBLIC SUBMISSIONS AT THE FIRST ORDINARY MEETING OF COUNCIL FOLLOWING THE CLOSE OF THE PUBLIC SUBMISSION PERIOD;**
- 5. REGULAR INSPECTIONS OF THE COMMERCIAL TENANCY TO BE UNDERTAKEN;**
- 6. OFFICERS WILL WORK WITH IOGTA ON MODIFICATIONS TO ERECT A WALL IN THE COMPUTING ROOM;**
- 7. IF THE APPLICANT FAILS TO SETTLE ANY OUTSTANDING DEBT WITHIN SIX MONTHS, THE SHIRE WILL TERMINATE THE NEWLY ISSUED LEASE AND INITIATE A RE-ADVERTISEMENT PROCESS FOR NEW EOI;**
- 8. THE 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, KNIGHT LACY, MINKOM, MINKOM, SLOAN**

**AGAINST: NIL**

**15.2.3 CONFIDENTIAL - APPLICATION FOR NEW LEASE PART LOT 225 HOME ISLAND COMMUNITY RESOURCE CENTRE TENANCY 1**

**Report Information**

Date: 15 August 2024  
 Location: Part Lot 225 HOME ISLAND CRC Tenancy 1  
 Applicant: Shire of Cocos (Keeling) Islands  
 File Ref:  
 Disclosure of Interest:  
 Reporting Officer: Leasing & Property 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 15.2.3**

AS PER THE CONFIDENTIAL ITEM.

**COUNCIL RESOLUTION – ITEM NO 15.2.3**

**MOVED CR BADLU**

**SECONDED CR SLOAN**

**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 OF THE LEASE FOR PART LOT 225 HOME ISLAND COMMUNITY RESOURCE CENTRE TENANCY 1 TO COCOS ISLANDS COOPERATIVE SOCIETY PTY LTD ON THE CONDITION THAT:**
  - a. THE LEASE FEE BE SET AS PER THE RECOMMENDED VALUATION BY AN INDEPENDENT VALUER AT \$3,750.00 PER ANNUM. THE ANNUAL LEASE FEE IS SUBJECT TO ANNUAL CPI REVIEWS AND A ONE-OFF LEASE PREPARATION FEE OF \$260;**
  - b. THE LEASE TERM BE FIVE (5) YEARS WITH A FIVE (5) YEAR OPTION;**
  - c. THE PROSPECTIVE LESSEE IS RESPONSIBLE FOR ALL MAINTENANCE OF THE BUILDING PER LEASE CONDITIONS;**
- 2. THE PURPOSE OF THE LEASE IS TO UTILISE THE SPACE AS AN OFFICE/CENTRELINK OFFICE;**
- 3. IF NO OBJECTIONS ARE RECEIVED DURING THE PUBLIC NOTICE PERIOD, THE CHIEF EXECUTIVE OFFICER IS AUTHORISED TO ENTER INTO THE LEASE USING THE SHIRE'S NEW COMMERCIAL LEASE TEMPLATE AND THE CONDITIONS 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 COMMERCIAL TENANCY TO BE UNDERTAKEN;**
- 6. IF THE APPLICANT FAILS TO SETTLE ANY OUTSTANDING DEBT WITHIN SIX MONTHS, THE SHIRE WILL TERMINATE THE NEWLY ISSUED LEASE AND INITIATE A RE-ADVERTISEMENT PROCESS FOR NEW EOI;**
- 7. THE PRESIDENT AND/OR CHIEF EXECUTIVE OFFICER TO SIGN AND AFFIX THE SHIRE OF COCOS (KEELING) ISLAND COMMON SEAL TO THE COMMERCIAL LEASE AGREEMENT.**

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

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

**15.2.4 CONFIDENTIAL APPLICATION FOR NEW LEASE PART LOT 225 HOME ISLAND  
COMMUNITY RESOURCE CENTRE – TENANCY 3**

**Report Information**

Date: 11 September 2024  
 Location: Part Lot 225 HOME ISLAND CRC 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 15.2.4**

AS PER THE CONFIDENTIAL ITEM.

**COUNCIL RESOLUTION – ITEM NO 15.2.4**

**MOVED CR I. MINKOM**

**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 TO DISPOSE OF PART LOT 225, HOME ISLAND COMMUNITY RESOURCE CENTRE TENANCY 3 BY WAY OF LEASE TO MR FEYREL, ON THE CONDITION THAT:
  - a. THE LEASE FEE BE SET AS PER THE RECOMMENDED VALUATION BY AN INDEPENDENT VALUER AT \$3,350.00 PER ANNUM, SUBJECT TO ANNUAL CPI REVIEWS, WITH A ONE-OFF LEASE PREPARATION FEE OF \$260;
  - b. THE LEASE TERM BE THREE (3) YEARS WITH A TWO (2) YEAR OPTION;
  - c. THE PROSPECTIVE LESSEE BE ADVISED THAT THEY WILL BE RESPONSIBLE FOR ALL MAINTENANCE OF THE BUILDING AS PER THE LEASE CONDITIONS;
2. THE PURPOSE OF THE LEASE IS TO UTILISE THE SPACE FOR AUSTRALIA POST SERVICES;
3. SHOULD NO OBJECTIONS BE RECEIVED DURING THE PUBLIC NOTICE PERIOD, THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO ENTER INTO THE LEASE AS PER THE SHIRE'S NEW COMMERCIAL LEASE TEMPLATE AND UNDER THE CONDITIONS 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. THAT REGULAR INSPECTIONS OF COMMERCIAL TENANCIES BE UNDERTAKEN;
6. IF THE APPLICANT FAILS TO SETTLE ANY OUTSTANDING DEBT WITHIN SIX MONTHS, THE SHIRE WILL TERMINATE THE NEWLY ISSUED LEASE AND INITIATE A RE-ADVERTISEMENT PROCESS FOR NEW EOIs;
7. THE PRESIDENT AND/OR CHIEF EXECUTIVE OFFICER TO SIGN AND AFFIX THE SHIRE OF COCOS (KEELING) ISLAND COMMON SEAL TO THE LEASE AGREEMENT.

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

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

