



# MINUTES

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## **ORDINARY MEETING OF COUNCIL**

Held at the CRC Meeting Room, West Island on Wednesday, 28 August 2019  
commencing at 4.00pm.

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### **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.

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## 1. OPENING/ANNOUNCEMENTS OF VISITORS

The Presiding member declared the meeting open at 4.00pm and welcome Councillors, staff and members of the public to the meeting.

## 2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

**President** Councillor Seriwati Iku

**Deputy President** Councillor Aindil Minkom

**Councillors** Councillor Jan Young  
Councillor Tony Lacy  
Councillor Shane Charlston  
Councillor Noor Anthony

**Staff** Andrea Selvey, Chief Executive Officer  
Joanne Soderlund, Deputy Chief Executive Support Officer  
Ian Evans, Manager Works & Services  
Ibrahim Macrae, Governance and Risk Coordinator

**Public** 1

**Visitors** Nil

**APOLOGIES** Councillor Woren Dedian

## 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
Nil		

### 5.2 APPLICATION FOR LEAVE OF ABSENCE

Nil

## 6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

## 7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### OFFICER RECOMMENDATION

THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 24 JULY 2019 BE CONFIRMED AS A TRUE AND CORRECT RECORD.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR CHARLSTON SECONDED COUNCILLOR ANTHONY**

**THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 24 JULY 2019 BE CONFIRMED AS A TRUE AND CORRECT RECORD.**

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

**FOR: ANTHONY, CHARLSTON, IKU, LACY, MINKOM, YOUNG**

**AGAINST: NIL**

**8. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS**

Nil

**9. DECLARATION OF INTERESTS**

<b>Name</b>	<b>Item No</b>	<b>Interest</b>	<b>Nature</b>
Cr Young	10.2.1	Impartiality	Occasional sub-contractor to IOGTA
Cr Minkom	10.2.1	Financial	Employee of IOGTA
Andrea Selvey	10.4.1	Financial	Employment could be impacted by the review

**10. REPORT AND RECOMMENDATIONS OF COMMITTEE**

## 10.1 FINANCE

### 10.1.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTHS ENDING 30 JUNE 2019 AND 31 JULY 2019

#### Report Information

Date: 22/08/2019  
 Location: Not Applicable  
 Applicant: Not Applicable  
 File Ref:  
 Disclosure of Interest:  
 Reporting Officer: Deputy Chief Executive Officer  
 Island: Shire Wide  
 Attachments: 10.1.1 Statement of Financial Activity with accompanying notes 30 June 2019 and 31 July 2019

#### 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 inform Council of the financial position of the Shire at 30 June 2019 and 30 July 2019 in compliance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996.



## Relevant Documents

Available for viewing at the meeting

Nil

## Background

The Monthly Financial Statements for the period 1st July 2018 to 30th June 2019 and 1st July 2019 to 31 July 2019 are presented for consideration.

## Comment

The Monthly Financial Report is prepared in accordance with the requirements of the Local Government Act 1995 and Local Government (Financial Management) Regulations.

A statement of Financial Activity with accompanying notes is attached for the periods 1 July 2018 to 30 June 2019 and 1 July 2019 to 31 July 2019.

## 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 in question.

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

## Conclusion

That the financial statements for the period 1st of July 2018 to 30th June 2019 and 1 July 2019 to 31 July 2019 be received.

**OFFICER RECOMMENDATION – ITEM NO 10.1.1**

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO REGULATION 34 OF THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996 RECEIVES THE FINANCIAL STATEMENTS FOR THE PERIODS 1ST OF JULY 2018 TO 30TH JUNE 2019 AND 1ST JULY 2019 TO 31ST JULY 2019.

**COUNCIL RESOLUTION – ITEM NO 10.1.1**

**MOVED COUNCILLOR CHARLSTON SECONDED COUNCILLOR YOUNG**

**THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO REGULATION 34 OF THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996 RECEIVES THE FINANCIAL STATEMENTS FOR THE PERIODS 1ST OF JULY 2018 TO 30TH JUNE 2019 AND 1ST JULY 2019 TO 31ST JULY 2019.**

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

**FOR: ANTHONY, CHARLSTON, IKU, LACY, MINKOM, YOUNG**

**AGAINST: NIL**

## 10.1.2 SCHEDULED OF ACCOUNTS PAID FOR PERIOD 1ST JULY TO 31ST JULY 2019

### Report Information

Date: July 2019  
 Location: Not applicable  
 Applicant: Not Applicable  
 File Ref:  
 Disclosure of Interest:  
 Reporting Officer: Senior Finance Officer  
 Island: Shire Wide  
 Attachments: 10.1.2 Schedule of accounts paid, Credit MasterCard

### 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 inform Council of funds disbursed for the period 1st July2019 -31st July 2019

### Relevant Documents

Available for viewing at the meeting

Nil

## **Background**

A list of accounts paid between 1st July and 31st July 2019 is attached.

## **Comment**

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

## **Policy and Legislative Implications**

Nil

## **Strategic Implications:**

Nil

## **Conclusion**

That Council receives the list stating all accounts paid for July 2019.

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

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996 RECEIVES THE REPORT FROM THE CHIEF EXECUTIVE OFFICER ON THE EXERCISE OF DELEGATED AUTHORITY IN RELATION TO CREDITOR PAYMENTS FROM THE MUNICIPAL FUND FOR THE PERIOD 1ST JULY TO 31ST JULY 2019 INCLUSIVE OF MUNICIPAL CHEQUE NUMBERS 11560 TO 11563, EFT 6663 TO 6741, MASTER CARD & DIRECT DEBIT SUPERANNUATION TOTALLING \$736,632.92.

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

### **MOVED COUNCILLOR LACY SECONDED COUNCILLOR CHARLSTON**

**THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996 RECEIVES THE REPORT FROM THE CHIEF EXECUTIVE OFFICER ON THE EXERCISE OF DELEGATED AUTHORITY IN RELATION TO CREDITOR PAYMENTS FROM THE MUNICIPAL FUND FOR THE PERIOD 1ST JULY TO 31ST JULY 2019 INCLUSIVE OF MUNICIPAL CHEQUE NUMBERS 11560 TO 11563, EFT 6663 TO 6741, MASTER CARD & DIRECT DEBIT SUPERANNUATION TOTALLING \$736,632.92.**

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

**FOR: ANTHONY, CHARLSTON, IKU, LACY, MINKOM, YOUNG**

**AGAINST: NIL**

## 10.2 LEASES

*Cr Minkom has declared Financial interest on item 10.2.1 and left the meeting room at 4.12pm.*

### 10.2.1 LOT 237 IOGTA REQUEST TO OCCUPY

#### Report Information

Date: 28 August 2019  
 Location: Lot 237, Azmie Zaitu Centre (Old Gym)  
 Applicant: Indian Ocean Group Training Association  
 File Ref:  
 Disclosure of Interest: Nil  
 Reporting Officer: Asset & Property Management Coordinator  
 Island: Home Island  
 Attachments: 10.2.1 Lot 237 – IOGTA Request to Occupy Letter

#### Authority / Discretion

#### Definition

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

For Council to consider an application from IOGTA requesting that they be permitted to occupy Lot 237, Azmie Zaitu Centre (Old Gym) building on an interim basis until a valuation can be obtained for formal agenda item to be brought before Council and the statutory process for the disposition of property can be undertaken.

## Relevant Documents

Available for viewing at the meeting

Nil

## Background

The Indian Ocean Group Training Authority (IOGTA) has been operating their Community Development Program (CDP) Sewing and Batik Work for the Dole (WFD) activities at the former Darliana's Boutique building. Over the past couple of years there has been an increase in the number of WFD participants which has resulted in IOGTA requiring a larger more suitable premises for the CDP Sewing and Batik.

IOGTA team leaders have had preliminary conversations with the Shire about the possibility of utilising the Old Gym as it is a sizable space which has been left unoccupied since the gym facility was moved to the Old Canteen building.

The Shire's Community Development team have an ongoing issue with sourcing appropriate storage space for their equipment and resources. Although the Old Gym has the space for this storage officers felt that storage is not the highest and best use for a quality building. IOGTA being able to move their CDP activities to the Old Gym would free up the former Darliana's boutique which the Shire would be able to utilise for much-needed storage space.

An onsite inspection of the Old Gym was undertaken in conjunction with IOGTA to confirm its suitability and consider any maintenance that may be required. During this inspection it was noted that the air conditioners were in a state of disrepair and would need replacing. IOGTA advised that they have two air conditioners in the current building that could be transferred across to the Old Gym and due to a miscommunication, IOGTA have already transferred the air conditioners into the Old Gym.

## Comment

The request that was received from IOGTA stated that *"To continue to provide wider access to the program, IOGTA would like request the Shire's support with providing access to the building at a minimal cost."*

The Shire has engaged a registered valuer to conduct a number of valuations on various sites across the Shire including the Old Gym building. The visit is scheduled for mid-September with the hope of receiving the valuations by the end of September. When the valuation for this building is received a copy will be forwarded to IOGTA advising of the value and to ask their intentions.

The officer's recommendation is that Council grants approval to commence the statutory process giving local public notice and calling for submissions on its intention to dispose of

property as required by Section 3.58 of the Local Government Act (WA) (CKI) 1995. Once the advertising period is completed this matter will be formally presented to Council together with any submissions received to allow Council to make a final determination.

In the interim as the air conditioners have already been moved in the Old Gym, the officer's recommendation to Council is to allow IOGTA to utilise the space until the valuation and legislative disposition of property process can be undertaken, noting however that it is made clear to IOGTA that there is no guarantee and that Council consideration of the lease request will be subject to the statutory process and will consider any submissions and that there no guarantee that they will get a lease on the property. IOGTA would be asked to transfer the power across into their name during this interim period.

### **Policy and Legislative Implications**

Section 3.58 of Local Government Act 1995 as amended

### **Financial Implications**

The financial implication is that rent is forgone; however, the building is vacant and therefore not returning any rent to the Shire currently. Hence, there is no impact on the budget.

### **Strategic Implications**

Shire of Cocos (Keeling) Islands Corporate Business Plan 2018/19 - 2021/22 - Economic Objective 5 - Support employment and promote business opportunities - Outcome ED1.1.5.1 Work with local business and IOGTA to encourage training and upskilling to build on local skill sets.

### **Conclusion**

The proposal from IOGTA to utilise the Old Gym is presented to Council for consideration along with a recommendation that the statutory process for the disposal of this property is commenced once the valuation is received.

### **OFFICER RECOMMENDATION – ITEM NO 10.2.1**

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

1. COMMENCE THE STATUTORY ADVERTISING PROCESS BY GIVING LOCAL PUBLIC NOTICE AND CALLING FOR SUBMISSIONS ON ITS INTENTION TO DISPOSE OF PROPERTY BY WAY OF LEASE AT LOT 237 HOME ISLAND TO IOGTA ONCE THE VALUATIONS ARE RECEIVED.
2. ALLOW IOGTA TO UTILISE THE OLD GYM AT LOT 237 HOME ISLAND AS AN INTERIM MEASURE UNTIL THE STATUTORY PROCESS IS UNDERTAKEN AND A FORMAL DECISION OF COUNCIL IS REACHED.

**COUNCIL RESOLUTION – ITEM NO 10.2.1**

**MOVED COUNCILLOR CHARLSTON SECONDED COUNCILLOR ANTHONY**

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

- 1. COMMENCE THE STATUTORY ADVERTISING PROCESS BY GIVING LOCAL PUBLIC NOTICE AND CALLING FOR SUBMISSIONS ON ITS INTENTION TO DISPOSE OF PROPERTY BY WAY OF LEASE AT LOT 237 HOME ISLAND TO IOGTA ONCE THE VALUATIONS ARE RECEIVED.**
- 2. ALLOW IOGTA TO UTILISE THE OLD GYM AT LOT 237 HOME ISLAND AS AN INTERIM MEASURE UNTIL THE STATUTORY PROCESS IS UNDERTAKEN AND A FORMAL DECISION OF COUNCIL IS REACHED.**

**THE MOTION WAS PUT AND DECLARED CARRIED (5/0)**

**FOR: ANTHONY, CHARLSTON, IKU, LACY, YOUNG**

**AGAINST: NIL**

*Cr Minkom returned at 4.16pm.*



### 10.3 PLANNING/BUILDING

Nil

### 10.4 ADMINISTRATION

*The CEO has declared Financial interest on item 10.4.1 and advised Council that she can stay in the meeting unless Council asks her to leave the room.*

#### 10.4.1 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW POLICY AND 2019 CEO PERFORMANCE REVIEW

##### Report Information

Date: 13 August 2019  
 Applicant: Shire of Cocos Keeling Islands  
 Location: N/A  
 File Ref:  
 Disclosure of Interest: Andrea Selvey, Chief Executive Officer  
 Reporting Officer: Andrea Selvey, Chief Executive Officer  
 Island: N/A  
 Attachments: Shire of Cocos (Keeling) Islands Chief Executive Officer Performance Review Policy  
 Confidential Proposal from MacArthur  
 Confidential Proposal from Cornerstone Consultants

##### Authority / Discretion

##### Definition

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<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

## Report Purpose

This report brings the draft Chief Executive Officer Performance Review Policy before Council for consideration. The officer's recommendation is that the Policy is adopted as presented and reviewed in August 2021 unless a need is identified prior to the scheduled review. This item also presents three proposals from Consultants to undertake the 2019 CEO Performance Review as per the draft policy.

## Relevant Documents

[Available for viewing at the meeting](#)

Confidential Proposal from Gary Martin Consulting

## Background

This draft Policy aims to provide guidance on the principles and protocols for reviewing the performance of the Chief Executive Officer (CEO) to ensure transparency, fairness and accountability.

## Comment

This Policy would apply to the conduct of the CEO's performance reviews and setting the CEO's performance Criteria (KPI's) to meet the legislative requirement (*Local Government Act 1995(5.36 -5.39)*) and to ensure there is clarity and consistency for all parties to the process: In recognition of the importance of a sound evaluation process that is fair, unbiased, transparent and ensures accountability, the Policy recommends that Council will formally engage an external professional external facilitator to assist in the review process. The facilitator will be provided with Terms of Reference in accordance with this policy and will consist of the following:

- In consultation with the Shire President, set the review procedure, timeline requirements and notify parties;
- Assess progress against KPIs;
- Seek input (confidential and anonymous) from all Councillors, a selection of direct reports to the CEO and a selection of the Shire's key stakeholders as deemed appropriate via interview and / or surveys on the CEOs performance;
- Provide the CEO with an opportunity to respond to interview findings;
- Provide a full report (Confidential) which will be distributed to all Elected Members and the CEO that outlines the findings of the review; and
- Be prepared to share the findings with Council in a confidential briefing (via teleconference or in person); and
- Draft new KPIs for the coming 12 months for Council review.

All Councillors would be required to participate in the review process and:

- Respond to the assessment survey or interview with the facilitator within the agreed timeframe to assist with the process;
- Show an ability to be fair and objective;

- Use good communication skills;
- Be able to focus on outcomes; and
- Provide clear and unbiased feedback.

The CEO would be required to commit to:

- Provide a self-assessment to the Facilitator within the agreed timeframe to assist with the process;
- Provide feedback to draft reports with the agreed timeframe;
- Regard the process as an opportunity to align performance with Councillors expectations;

### **KPIs**

In recognition that the KPIs are being used to establish the expectations of Council and as a metric to measure performance against expectations, the Policy recommends applying the SMART principles which are:

S = Specific: The KPIs should be clear and targeted to a specific outcome.

M = Measurable: It is necessary to be able to measure progress against the target.

A = Attainable: It should be possible to achieve within resourcing and the remit of the position.

R = Relevant: The KPI should focus on the strategic direction of Council.

T = Timebound: This establishes the sense of urgency and priority to the KPIs.

Should Council resolve to adopt this Policy, the CEO has sought proposals from the following HR Consultants to conduct the CEO Performance Review in 2019 in accordance with this proposed Policy:

- MacArthur
- Gary Martin
- Cornerstone

Please see attached confidential proposals, noting that the Shire is still waiting on one proposal which will be forwarded by email as soon as it is received.

### **Policy and Legislative Implications**

*Local Government Act 1995(5.36 -5.39)*

### **Strategic Implications**

Strategic Community Plan - Key Result Area: Civic Leadership

### **Conclusion**

This Policy would provide a clear and consistent approach to the review of the Chief Executive Officer's performance.

**OFFICER RECOMMENDATION – ITEM NO – 10.4.1**

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO S. 5.36 OF THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI) RESOLVES TO:

1. ADOPT THE SHIRE OF COCOS (KEELING) ISLANDS CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW POLICY; AND
2. REVIEW THE SHIRE OF COCOS (KEELING) ISLANDS CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW POLICY IN AUGUST 2021.
3. APPOINT \_\_\_\_\_ TO CONDUCT THE 2019 CEO PERFORMANCE REVIEW IN ACCORDANCE WITH THE SHIRE OF COCOS (KEELING) ISLANDS CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW POLICY

**COUNCIL RESOLUTION – ITEM NO 10.4.1**

**MOVED COUNCILLOR CHARLSTON SECONDED COUNCILLOR MINKOM**

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO S. 5.36 OF THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI) RESOLVES TO:

1. ADOPT THE SHIRE OF COCOS (KEELING) ISLANDS CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW POLICY; AND
2. REVIEW THE SHIRE OF COCOS (KEELING) ISLANDS CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW POLICY IN AUGUST 2021.

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

**FOR:** ANTHONY, CHARLSTON, IKU, MINKOM, LACY, YOUNG  
**AGAINST:** NIL

**MOVED COUNCILLOR LACY SECONDED COUNCILLOR CHARLSTON**

**THAT COUNCIL, BY SIMPLE MAJORITY SUSPEND STANDING ORDERS AT 4.23PM.**

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

**FOR:** ANTHONY, CHARLSTON, IKU, MINKOM, LACY, YOUNG  
**AGAINST:** NIL

*Council came out of standing orders at 4.35pm.*

**MOVED COUNCILLOR LACY SECONDED CR YOUNG**

**THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO S. 5.36 OF THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI) RESOLVES TO:**

- 3. APPOINT GARY MARTIN LOCAL GOVERNMENT CONSULTANT TO CONDUCT THE 2019 CEO PERFORMANCE REVIEW IN ACCORDANCE WITH THE SHIRE OF COCOS (KEELING) ISLANDS CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW POLICY.**

**THE MOTION WAS PUT AND DECLARED LOST (2/4)**

**FOR:** LACY, YOUNG

**AGAINST:** ANTHONY, CHARLSTON, IKU, MINKOM

FORESHADOW MOTION

**MOVED COUNCILLOR CHARLSTON SECONDED CR MINKOM**

**THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO S. 5.36 OF THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI) RESOLVES TO:**

- 3. APPOINT CORNERSTONE HR TO CONDUCT THE 2019 CEO PERFORMANCE REVIEW IN ACCORDANCE WITH THE SHIRE OF COCOS (KEELING) ISLANDS CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW POLICY.**

**THE MOTION WAS PUT AND DECLARED CARRIED (4/2)**

**FOR:** ANTHONY, CHARLSTON, IKU, MINKOM

**AGAINST:** LACY, YOUNG

## 10.4.2 SHIRE OF COCOS (KEELING) ISLANDS COMMUNITY FUNDING PROGRAM POLICY

### Report Information

Date: 13 August 2019  
 Applicant: Shire of Cocos Keeling Islands  
 Location: N/A  
 File Ref:  
 Disclosure of Interest: Andrea Selvey, Chief Executive Officer  
 Reporting Officer: Andrea Selvey, Chief Executive Officer  
 Island: N/A  
 Attachments: 10.4.2 Draft Community Funding Policy

### Authority / Discretion

### Definition

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

### Report Purpose

This report brings the draft Community Funding Program Policy before Council for consideration. The officer's recommendation is that the Policy is adopted as presented and reviewed in August 2021 unless a need is identified prior to the scheduled review.

### Relevant Documents

Available for viewing at the meeting

Nil

## Background

This draft policy seeks to ensure a fair, equitable and transparent process for Council funding of community projects, programs and initiatives.

## Comment

This draft Policy articulates the Shire of Cocos (Keeling) Islands' commitment to supporting incorporated not-for-profit organisations/associations located within the Shire of Cocos (Keeling) Islands. The Policy provides some structure for the provision of grants of up to \$2000 to assist with the delivery of projects that address identified community needs, that aim to benefit the Cocos community and aligns with the Shire's strategic plan goals.

The policy also makes provision for applications outside the scope of this policy to be considered by the Committee and recommended to Council in exceptional circumstances, if there is evidence of direct and significant benefit to the Cocos Community.

The draft policy outlines eligibility criteria as follows:

- The Applicant organisation is a community-based incorporated not-for-profit organisation/association located within the Shire of Cocos (Keeling) Islands; Unincorporated groups should find a suitable organisation to auspice them by prior arrangement with the Shire.
- The project takes place within the Shire of Cocos (Keeling) Islands;
- The Applicant organisation has no outstanding debts with the Shire of Cocos (Keeling) Islands;
- The Applicant organisation has completed and properly acquitted any project for which funding was previously received;
- The Applicant organisation undertakes the project for the benefit of the wider community;
- The Applicant organisation submits their applications on the prescribed form, with a full budget showing proposed expenditure with two quotes where possible;
- Applications must be lodged within the timeframe specified – late applications will not be accepted;
- The Applicant organisation must demonstrate the other avenues of funding tried –e.g. their own fundraising, other grants; the Shire's rubbish collection fundraising program.
- The Applicant organisation contributes 25% co-funding either through cash or in-kind or a combination of both. (Note: volunteer work in organisation and / or labour will be calculated as a contribution of \$25.00 per hour.)

The draft policy states that applications will not be considered if:

- The Applicant organisation is another tier of government or if the grant would directly benefit another tier of government.
- The applicant organisation is funded by other tiers of government, or if the grant would directly benefit an organisation funded by another tier of government;
- The Applicant organisation has an outstanding grant that has not been acquitted properly.

- The application is for a program or event that has already been delivered (e.g. retrospective funding).

The assessment process is outlined in the draft Policy as is the dispute resolution process.

### **Policy and Legislative Implications**

*Local Government Act 1995 s. 2.17*

### **Strategic Implications**

Strategic Community Plan - Key Result Area: Social

### **Conclusion**

This Policy would provide a clear and consistent approach to the provision of Council funding to other community groups.

### **OFFICER RECOMMENDATION – ITEM NO 10.4.2**

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO S. 2.17 OF THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI) RESOLVES TO:

1. ADOPT THE SHIRE OF COCOS (KEELING) ISLANDS COMMUNITY FUNDING PROGRAM POLICY; AND
2. REVIEW THE SHIRE OF COCOS (KEELING) ISLANDS COMMUNITY FUNDING PROGRAM POLICY IN AUGUST 2021.

### **COUNCIL RESOLUTION – ITEM NO 10.4.2**

**MOVED COUNCILLOR LACY SECONDED COUNCILLOR CHARLSTON**

1. ADOPT THE SHIRE OF COCOS (KEELING) ISLANDS COMMUNITY FUNDING PROGRAM POLICY; AND
2. REVIEW THE SHIRE OF COCOS (KEELING) ISLANDS COMMUNITY FUNDING PROGRAM POLICY IN AUGUST 2021.

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

**FOR: ANTHONEY, CHARLSTON, IKU, MINKOM, LACY, YOUNG  
AGAINST: NIL**



## 10.5 MINUTES TO BE RECEIVED

### 10.5.1 MINUTES FROM EXTERNAL COMMITTEE MEETINGS TO BE RECEIVED

#### Report Information

Date: 20 August 2019  
 Location: Not applicable  
 Applicant: Shire of Cocos (Keeling) Islands  
 File Ref: Not applicable  
 Disclosure of Interest: Nil  
 Reporting Officer: Governance and Risk Coordinator  
 Island: Not applicable  
 Attachments: 10.5.1 Minutes of external committees 1. PKNPCMC

#### Authority / Discretion

#### Definition

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

#### Report Purpose

The report formally presents the minutes of external committee from previous month.

#### Relevant Documents

Available for viewing at the meeting

Nil

## Background

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

1. The Pulu Keeling National Park Community Management Committee (PKNPCMC)
2. The IOT Regional Development Organisation (IOTRDO)
3. Cocos Keeling Islands Tourism Association (CKITA)
4. Indian Ocean Group Training Association (IOGTA)
5. Kimberley Zone

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

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

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

## Comment

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

1. PKNPCMC Committee held on the 10 October 2018 and 27 March 2019.

## Policy and Legislative Implications

Nil

## Financial Implications

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

## Strategic Implications

Strategic Community Plan - Key Result Area: Civic Leadership

**OFFICER RECOMMENDATION – ITEM NO 10.5.1**

THAT COUNCIL BY SIMPLE MAJORITY PURSUANT TO SECTION 3.18 OF THE LOCAL GOVERNMENT ACT (WA) (CKI) 1995 RESOLVES TO RECEIVE THE MINUTES OF THE FOLLOWING EXTERNAL COMMITTEES ON WHICH IT HAS A REPRESENTATIVE:

1. PKNPCMC COMMITTEE MEETING HELD ON THE 10 OCTOBER 2018 AND 27 MARCH 2019.

**COUNCIL RESOLUTION – ITEM NO 10.5.1**

**MOVED COUNCILLOR ANTHONY SECONDED COUNCILLOR YOUNG**

THAT COUNCIL BY SIMPLE MAJORITY PURSUANT TO SECTION 3.18 OF THE LOCAL GOVERNMENT ACT (WA) (CKI) 1995 RESOLVES TO RECEIVE THE MINUTES OF THE FOLLOWING EXTERNAL COMMITTEES ON WHICH IT HAS A REPRESENTATIVE:

1. PKNPCMC COMMITTEE MEETING HELD ON THE 10 OCTOBER 2018 AND 27 MARCH 2019.

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

**FOR: ANTHONY, CHARLSTON, IKU, MINKOM, LACY, YOUNG**  
**AGAINST: NIL**

**11. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**12. MOTIONS WITHOUT NOTICE WITH LEAVE OF COUNCIL**

Nil

**13. MATTERS BEHIND CLOSED DOORS**

A report is confidential under Section 5.23 (2) of the Local Government Act 1995.

- (2) If a meeting is being held by a council or by a committee referred to in subsection (1) (b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following—
- (a) a matter affecting an employee or employees; and
  - (b) the personal affairs of any person; and
  - (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,

Nil

**14. CLOSURE OF BUSINESS**

The President member declared the meeting closed at 4.50pm.

These minutes were confirmed at a meeting on .....

SIGNED this    day of    2019 as a  
true record of proceedings.

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PRESIDING MEMBER