

Shire of Cocos (Keeling) Islands

Shire of Cocos (Keeling) Islands

Minutes

Ordinary Meeting of Council

28 July 2021, 4.00pm

Council Chambers, Home Island

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

1	OPENING/ANNOUNCEMENTS OF VISITORS	4
2	ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	4
3	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	4
4	PUBLIC QUESTION TIME	4
5	LEAVE OF ABSENCE	5
5.1	LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	6
5.2	APPLICATION FOR LEAVE OF ABSENCE	6
6	PETITIONS/DEPUTATIONS/PRESENTATIONS	6
7	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	6
7.1	ORDINARY COUNCIL MEETING HELD ON 26 MAY 2021	6
8	ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS	7
9	DECLARATION OF INTERESTS	7
10	REPORTS AND RECOMMENDATIONS	7
REPORTS OF OFFICERS AND RECOMMENDATIONS OF COMMITTEE		7
10.1	FINANCE	7
10.1.1	MONTHLY FINANCIAL REPORT FOR THE MONTH ENDING 30 JUNE 2021	7
10.1.2	SCHEDULE OF ACCOUNTS PAID FOR THE PERIOD 1 JUNE 2021 TO 30 JUNE 2021	12
10.1.3	ADOPTION OF THE 2021/2022 ANNUAL BUDGET	16
10.2.	LEASE	27
NIL		27
10.3	PLANNING/BUILDING	27
NIL		27
10.4	ADMINISTRATION	27
10.4.1	STANDARDS FOR CEO RECRUITMENT, PERFORMANCE AND TERMINATION	27
10.4.2	CONDUCT OF 2021 LOCAL GOVERNMENT ORDINARY ELECTION	31
10.4.3	COCOS (KEELING) ISLANDS PLASTIC RECYCLING ASSESSMENT (MARINE PLASTICS) REPORT	37
10.5	MINUTES TO BE RECEIVED	45

NIL		45
11	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	45
12	MOTIONS WITHOUT NOTICE WITH LEAVE OF COUNCIL	45
13	MATTERS BEHIND CLOSED DOORS	45
14.	MATTERS RELATING TO THE LAND TRUSTS	45
14.1	TRUSTS ADMINISTRATION	47
NIL		47
14.2	TRUSTS LEASES	47
NIL		47
14.3	TRUSTS FINANCE	47
NIL		47
15.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING (LATE ITEM)	47
15.1	HOUSING PROVIDED FOR THE PURPOSES OF THE DISTRICT MEDICAL OFFICER AND SHIRE EMPLOYEES	47
16.	CLOSURE	53

1. OPENING/ANNOUNCEMENTS OF VISITORS

The presiding member declare the meeting opened at 4.00pm and welcome Councillors and staff to the meeting.

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Shire President: Cr A Minkom

Deputy President: Cr S Iku

Councillors: Cr J Ibram
Cr T Lacy
Cr Charlston

Officers: K Small, Chief Executive Officer
J Soderlund, Deputy Chief Executive Officer
I Macrae, Governance and Risk Coordinator

Public: Nil

Visitors: Nil

Apologies: Cr M Hamiril

Approved Leave of Absence: Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

In accordance with *Section 5.24(1) (a) of the Local Government Act 1995 (WA)(CKI)HE*, 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 (WA)(CKI)* 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 (WA)(CKI) (Section 2.25)* provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. A member who is absent, without first obtaining leave of the Council, throughout three consecutive Ordinary meetings of the Council is disqualified from continuing his or her membership of the Council. Disqualification from membership of the Council for failure to attend Ordinary Meetings of the Council will be avoided so long as the Council grants leave prior to the member being absent. The leave cannot be granted retrospectively. An apology for non-attendance at a meeting is not an application for leave of absence.

5.1 LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Councillor	Date of Leave	Approved by Council
Nil		

5.2 APPLICATION FOR LEAVE OF ABSENCE

Nil

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING(S)

7.1 Ordinary Council Meeting held on 30 June 2021 - Attachment 7.1

OFFICER RECOMMENDATION

THAT COUNCIL BY SIMPLE MAJORITY, PURSUANT TO *SECTIONS 5.22(2) AND 3.18 OF THE LOCAL GOVERNMENT ACT 1995 (WA)(CKI)*, RESOLVES THAT THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 30 JUNE 2021, AS PRESENTED IN ATTACHMENT 7.1 BE CONFIRMED AS A TRUE AND CORRECT RECORD OF PROCEEDINGS.

COUNCIL RESOLUTION – ITEM NO 7.1

MOVED: CR IBRAM

SECONDED: CR IKU

THAT COUNCIL BY SIMPLE MAJORITY, PURSUANT TO *SECTIONS 5.22(2) AND 3.18 OF THE LOCAL GOVERNMENT ACT 1995 (WA)(CKI)*, RESOLVES THAT THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 30 JUNE 2021, AS PRESENTED IN ATTACHMENT 7.1 BE CONFIRMED AS A TRUE AND CORRECT RECORD OF PROCEEDINGS.

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

FOR: CHARLSTON, IBRAM, IKU, LACY, MINKOM

AGAINST: NIL

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

Nil

9. DECLARATION OF INTERESTS

Councillors are to complete a Disclosure of Interest Form for each item they are required to disclose an interest in. The Form should be given to the Presiding Member before the meeting commences. After the meeting, the Form is to be provided to the Governance and Risk Coordinator for inclusion in the Disclosures Register.

Name	Item No.	Interest	Nature
Nil			

10. REPORTS AND RECOMMENDATIONS OF COMMITTEE

10.1 FINANCE

10.1.1 MONTHLY FINANCIAL REPORT FOR THE MONTH ENDING 30 JUNE 2021

Report Information

Date: 15 July 2021
Location: Not Applicable
Applicant: Not Applicable
File Ref:
Disclosure of Interest:
Reporting Officer: Deputy Chief Executive Officer
Island: Shire Wide
Attachments: 10.1.1.1 - Monthly Financial Report Containing Statement of Financial Activity with accompanying notes 30 June 2021

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 provide a monthly financial report, 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

End of financial year processing continues and adjustments are still being finalised. The 2020/2021 Annual Financial Statements will be finalised and audited by the Shire's auditors

with presentation due to the Audit Committee in November/December 2021. At this time, the final 2020/2021 result will be determined and any impact on the 2021/2022 Annual Budget will be presented to Council for consideration.

The period of review is June 2021. The current closing municipal surplus for this period is \$837,860 compared to a budget position of \$0. This is considered a satisfactory result for the Shire as it is maintaining a healthy surplus position.

Income for the June 2021 period year to date is \$7,304,193. This is made up of \$5,906,753 in operating revenues and \$1,397,440 in non-operating grants, contributions and subsidies received and proceeds from other investing activities. The budget estimated \$7,339,839 would be received for the same period. The variance to budget is (\$35,646).

Expenditure for the June 2021 period year to date is \$8,988,870. This is made up of \$6,460,612 in operating expenditure and \$2,528,258 in capital expenditure. The budget estimated \$10,139,251 would be spent for the same period. The variance to budget is \$1,150,381.

Details of all significant variances against the current budget are provided in the notes to the Monthly Financial Report contained within Attachment 10.1.1.1.

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.
Health & Safety	N/A	N/A	N/A
Reputation	The monthly financial statements are open to public scrutiny.	Low (3)	Procedures in place to ensure all expenditure is justifiable.
Service Interruption	N/A	N/A	N/A
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.
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
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)

Conclusion

That the Monthly Financial Report for the period 1 July 2020 to 30 June 2021, including explanations of material variances, be received.

OFFICER RECOMMENDATION – ITEM NO 10.1.1

THAT COUNCIL:

1. BY SIMPLE MAJORITY, PURSUANT TO THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996* RECEIVES THE MONTHLY FINANCIAL REPORT FOR THE PERIOD 1 JULY 2020 TO 30 JUNE 2021, AS CONTAINED IN ATTACHMENT 10.1.1.1; AND
2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD 1 JULY 2020 TO 31 JUNE 2021, AS CONTAINED IN ATTACHMENT 10.1.1.1.

COUNCIL RESOLUTION – ITEM NO 10.1.1

MOVED: CR IKU

SECONDED: CR IBRAM

THAT COUNCIL:

1. BY SIMPLE MAJORITY, PURSUANT TO THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996* RECEIVES THE MONTHLY FINANCIAL REPORT FOR THE PERIOD 1 JULY 2020 TO 30 JUNE 2021, AS CONTAINED IN ATTACHMENT 10.1.1.1; AND
2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD 1 JULY 2020 TO 30 JUNE 2021, AS CONTAINED IN ATTACHMENT 10.1.1.1.

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

FOR: CHARLSTON, IBRAM, IKU, LACY, MINKOM

AGAINST: NIL

10.1.2 SCHEDULE OF ACCOUNTS PAID FOR THE PERIOD 1 JUNE 2021 TO 30 JUNE 2021

Report Information

Date: 15 July 2021
 Location: Not applicable
 Applicant: Not Applicable
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Senior Finance Officer
 Island: Shire Wide
 Attachments: 10.1.2.1 - Schedule of Accounts paid
 10.1.2.2 – Credit Card Transactions June 2021

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 1 June 2021 to 30 June 2021, 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 full details of the accounts paid contained within Attachment 10.1.2.1.

Payment Type	Amount (\$)
EFT Payments #8109 to #8223	\$543,046.23
Direct Debit Payment	\$46,871.00
Cheque Payment	\$11,195.92
Total Payments	\$601,113.15

Contained within Attachment 10.1.2.2 is a detailed transaction listing of credit card expenditure for the period ended 30 June 2021. This amount is included within the total payments, listed above.

Policy and Legislative Implications

Nil

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 monthly for corrective action.
Health & Safety	N/A	N/A	N/A
Reputation	The accounts paid report is open to public scrutiny.	Low (3)	Procedures in place to ensure all expenditure is justifiable.
Service Interruption	N/A	N/A	N/A
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.
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A

Fraud	That the report is manipulated.	Low (3)	Interim and end of year audits along with sequence checks.
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Risk Matrix

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

Conclusion

It is recommended that Council receives the reports provided for the period ended 30 June 2021.

OFFICER RECOMMENDATION – ITEM NO 10.1.2

THAT COUNCIL:

1. BY SIMPLE MAJORITY, PURSUANT TO REGULATION 13(1) OF THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996 RECEIVES THE REPORT FROM THE CHIEF EXECUTIVE OFFICER ON THE EXERCISE OF DELEGATED AUTHORITY IN RELATION TO PAYMENTS MADE FROM MUNICIPAL OR TRUST FUNDS FOR THE PERIOD 1 JUNE 2021 TO 30 JUNE 2021 TOTALLING \$601,113.15 AS CONTAINED IN ATTACHMENT 10.1.2.1.
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD EXPENDITURE FOR THE PERIOD ENDED 30 JUNE 2021, AS CONTAINED IN ATTACHMENT 10.1.2.2.

COUNCIL RESOLUTION – ITEM NO 10.1.2

MOVED: CR LACY

SECONDED: CR IKU

1. BY SIMPLE MAJORITY, PURSUANT TO REGULATION 13(1) OF THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996 RECEIVES THE REPORT FROM THE CHIEF EXECUTIVE OFFICER ON THE EXERCISE OF DELEGATED AUTHORITY IN RELATION TO PAYMENTS MADE FROM MUNICIPAL OR TRUST FUNDS FOR THE PERIOD 1 JUNE 2021 TO 30 JUNE 2021 TOTALLING \$601,113.15 AS CONTAINED IN ATTACHMENT 10.1.2.1.
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD EXPENDITURE FOR THE PERIOD ENDED 30 JUNE 2021, AS CONTAINED IN ATTACHMENT 10.1.2.2.

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

FOR: CHARLSTON, IBRAM, IKU, LACY, MINKOM

AGAINST: NIL

10.1.3 ADOPTION OF THE 2021/2022 ANNUAL BUDGET

Report Information

Date: 9 July 2021
 Location: N/A
 Applicant: N/A
 File Ref: N/A
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: Whole Shire
 Attachments: 10.1.3.1 – Annual Budget 2021-2022
 10.1.3.2 – Schedule of Fees and Charges

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 for Council to consider and adopt the proposed budget for Municipal, Trust and Reserve Funds for the 2021/2022 financial year, together with supporting schedules, including imposition of rates and minimum payments, adoption of fees and charges, setting of Elected Members fees for the year, and other consequential matters arising from the budget papers.

Relevant Documents

Available for viewing at the meeting

Nil

Background

The 2021/2022 draft budget (Budget) has been prepared after taking into consideration the Shire's Strategic Community Plan (SCP), Corporate Business Plan, Council workshops and other informing strategies. The presented budget for 2021/2022 is a balanced budget. This Budget document has been prepared in accordance with the *Local Government Act 1995 (WA) (CKI)*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards.

Comment

The following information is provided in support of the Budget being presented for consideration.

2020/2021 Forecast Carried Forward Surplus

The estimated surplus to be carried forward from 2020/2021 into this budget is \$837,862. The surplus is a combination of savings against budget expectations, and projects and services budgeted in 2020/2021 not yet completed. These projects and services have been re-budgeted in the 2021/2022 budget for completion.

Major Projects, Services and Programs

The major projects, services and programs that have been included in the 2021/2022 Budget include:

Project/Initiative	Budget Allocation (\$)
Home Island Houses – New Construction	\$350,000
Home Island Retail Precinct	\$840,535
Road Reconstruction Jalan Mawar	\$155,371
Resheeting of Bungalows and Home Island CRC	\$293,177
Shelter – The Spot	\$60,058
Play Equipment Shade Sails (Sandy Point/Yacht Club)	\$34,194
Steps at Trannies Beach	\$34,892
Plant Replacement	\$529,200
Defibrillator Installation	\$10,000

Gym Equipment Renewal Home Island	\$23,000
Waste Management	\$1,016,769
Off Island Disposal of Waste/Asbestos	\$156,625
Road Maintenance	\$691,203
Parks and Reserves (including Playgrounds) Maintenance	\$1,151,598
Kampong Housing	\$1,195,330
Community Development, events and festivals	\$233,489

Proposed Rates

At the Ordinary Council Meeting held on 30 June 2021 Council resolved to provide local public notice of its intention to adopt differential rates and minimum payments for the 2021/2022 financial year. Ratepayers were provided 21 days to make a submission. No submissions were received by the Deputy Chief Executive Officer during the submission period.

If adopted the proposed rates would yield revenue of \$430,252 comprising a 7.38% increase in total rates revenue raised compared to the 2020/2021 year. This follows the 3.06% decrease in total rates revenue raised compared to the 2019/2020 year which was the result of the Holiday Accommodation rate in the dollar being lowered to the same as general developed.

The following rating categories, rates in the dollar and minimum payments for 2021/2022 are recommended for adoption:

RATING CATEGORY	RATE IN \$ 2021/22	MINIMUM RATE 2021/22
GRV General Developed	0.1122	\$725
GRV Vacant Land	0.2240	\$825
GRV Business	0.1184	\$725
GRV Holiday Accommodation	0.1665	\$725

Capital Expenditure

Total capital expenditure for 2021/2022 is budgeted to be \$2.76 million, with \$761,000 being funded from non-operating grants and contributions, \$911,955 from reserve funds and the balance (\$1.02 million) from municipal funds. Due to the number of projects still ongoing from 2020/2021, the focus has been to complete the major projects carried forward with minimal new projects considered. Should resources become available throughout the year, new projects can be considered by Council.

Home Island Houses

Original budget estimates on the construction of two new houses on Home Island was \$1,000,000. \$500,000 of the cost of the project was to be funded by the Economic Stimulus package provided by the Department of Infrastructure, Transport, Regional Development and Communications (the Department), with the remaining \$500,000 to be funded from Council reserve funds. Original estimates included utilising Shire employed building trades and labourers, however due to a number of circumstances linked to the pressures resulting from COVID 19, such as:

- lack of available local resources;
- lack of available accommodation options;
- increased demand for and lack of availability of materials; and
- shortage of available resources on the mainland;

a local contractor was engaged to supervise and provide the qualified labour along with support from local Shire employed labour.

Forecast estimates to complete the project is projected to total \$1,342,450. This is a variance of \$342,450 to original budget expectations. Whilst this is a significant overspend over original budget estimates, reserve funds in 2020/2021 were not utilised as expected to fund the project.

As part of the 2021/2022 budget, \$600,000 is estimated to be required to complete the project, of which \$200,000 will be funded through remaining Economic Stimulus funding and \$400,000 is proposed to be funded from reserve funds. In addition, Shire Officers will request from the Department any opportunity for increased funding due to the pressures of COVID 19.

Schedule of Fees and Charges

A minor review of the Fees and Charges has occurred as part of the budget process. Most fees have resulted in a 3% increase with fees for camping, hall hire and photocopying not being increased. Rental fees for the Kampong houses have increased by \$10 per week.

All fees and charges were checked against associated legislation and any required amendments have been made.

It is recommended that a major review of the Schedule Fees and Charges takes place and be presented to Council as part of the review of the Strategic Community Plan and Integrated Planning process prior to 30 June 2022.

Cash Backed Reserves

The Shire's Plant, Building and Community reserves have been utilised to fund capital projects totalling \$1,161,955, and \$100,000 from the Self Insurance reserve has been utilised to fund

the insurance excess required to repair the storm damage on the Waterfront Workshop on Home Island.

Surplus funds (\$300,000) have been proposed to be transferred to the Plant Reserve to ensure that future plant requirements can be met.

Policy and Legislative Implications

This Budget has been prepared in accordance with the *Local Government Act 1995 (WA) (CKI)*, the *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards.

Section 6.2 of the *Local Government Act 1995 (WA) (CKI)* requires Council to prepare an annual budget.

Financial Implications

The proposed budget is a balanced budget for the 2021/2022 financial year.

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2016 – 2026:

Outcome 4.1 - An Informed Council working with other to advance our islands

Objective 4 – Ensure efficient and effective management of the organisation and financial resources.

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	The budget does not accurately reflect actual expenditure and revenue	Low (3)	The budget has been prepared with sufficient rigour to provide a high level of confidence in all estimates
Reputation	The budget does not reflect community aspiration and priority	Moderate (3)	The budget has been prepared to align with the CBP
Compliance	The budget does not comply	Low (4)	The budget has been prepared in

			accordance with all legislative requirements
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Risk Matrix

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

Voting Requirements

Absolute Majority

Conclusion

Officers submit the Shire's 2021/2022 Annual Budget for adoption as required under Section 6.2 of the *Local Government Act 1995 (WA) (CKI)*.

OFFICER RECOMMENDATION – ITEM NO 10.1.3

THAT COUNCIL, BY ABSOLUTE MAJORITY:

1. PURSUANT TO SECTION 6.2 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)* AND PART 3 OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*, RESOLVES TO ADOPT THE 2021/2022 BUDGET, INCLUDING THE STATEMENT OF COMPREHENSIVE INCOME BY NATURE AND TYPE, STATEMENT OF COMPREHENSIVE INCOME BY PROGRAM, STATEMENT OF CASH FLOWS, RATE SETTING STATEMENT, SUPPORTING NOTES TO AND FORMING PART OF THE STATUTORY BUDGET, CAPITAL EXPENDITURE BUDGET BY PROJECT AND TRANSFERS TO/FROM RESERVE FUNDS FOR THE YEAR ENDING 30 JUNE 2022, AS DETAILED IN ATTACHMENT 10.1.3.1.
2. PURSUANT TO SECTIONS 6.32, 6.34, 6.35, 6.37 AND 6.38 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)* AND REGULATION 54 OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*, RESOLVES TO ADOPT THE 2021/2022 GENERAL RATE AND MINIMUM PAYMENT FOR THE SHIRE OF COCOS (KEELING) ISLANDS AS FOLLOWS:

RATING CATEGORY	RATE IN \$ 2021/22	MINIMUM RATE 2021/22
GRV General Developed	0.1122	\$725
GRV Vacant Land	0.2240	\$825
GRV Business	0.1184	\$725
GRV Holiday Accommodation	0.1665	\$725

3. PURSUANT TO THE PROVISIONS OF THE *WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007* PART 6, DIVISION 3, SECTION 67:
- A) LEVY A CHARGE OF \$355 IN RESPECT OF THE REMOVAL OF THE CONTENTS OF ONE 240L REFUSE BIN FROM RESIDENTIAL PROPERTY PER WEEK; AND
- B) LEVY A MINIMUM CHARGE OF \$355 IN RESPECT OF THE REMOVAL OF THE CONTENTS OF ONE 240L REFUSE BIN FROM COMMERCIAL PROPERTY PER WEEK, ANY ADDITIONAL BINS OR COLLECTIONS WILL RESULT IN ADDITIONAL CHARGES;
4. INSTALMENTS
ENDORSE THE DUE DATES FOR PAYMENT OF INSTALMENT OPTIONS AS:
- A) ONE (1) INSTALMENT OPTION – MONDAY 13 SEPTEMBER 2021: AND
- B) FOUR (4) INSTALMENT OPTION - FIRST INSTALMENT MONDAY 13 SEPTEMBER 2021, SECOND INSTALMENT MONDAY 29 NOVEMBER 2021, THIRD INSTALMENT FRIDAY 11 FEBRUARY 2022, AND FOURTH INSTALMENT TUESDAY 26 APRIL 2022;
5. INSTALMENT ADMINISTRATION FEE
PURSUANT TO SECTIONS 6.45 AND 6.50 OF *THE LOCAL GOVERNMENT ACT (WA) (CKI) 1995* AND REGULATION 67 OF THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996 RESOLVES TO ADOPT AN INSTALMENT ADMINISTRATION CHARGE WHERE THE OWNER HAS ELECTED TO PAY RATES (AND SERVICE CHARGES) BY WAY OF AN INSTALMENT OPTION OF \$5 FOR EACH INSTALMENT AFTER THE INITIAL INSTALMENT IS PAID, BEING \$15.00;
6. INSTALMENT INTEREST
PURSUANT TO REGULATION 68 OF THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996, RESOLVES TO ADOPT AN INSTALMENT INTEREST RATE OF 5.5% WHERE THE OWNER HAS ELECTED TO PAY RATES AND SERVICE CHARGES THROUGH AN INSTALMENT OPTION;
7. PENALTY INTEREST
PURSUANT TO SECTIONS 6.51(1) AND 6.51(4) OF *THE LOCAL GOVERNMENT ACT (WA) (CKI) 1995* AND REGULATION 70 OF THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996, RESOLVES TO ADOPT AN INTEREST RATE OF 11%

PER ANNUM FOR RATES AND CHARGES THAT REMAIN UNPAID AFTER BECOMING DUE AND PAYABLE;

8. SUNDRY DEBTOR INTEREST

PURSUANT TO SECTION 6.13 OF *THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI)*, IMPOSE AN INTEREST RATE OF 7%, AS PROVIDED IN REGULATION 19A OF *THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*, ON ALL MONEY OWED TO THE LOCAL GOVERNMENT (OTHER THAN RATES AND SERVICE CHARGES) THAT IS OUTSTANDING FOR MORE THAN 35 DAYS AFTER THE DATE OF ISSUE OF INVOICE;

9. SWIMMING POOL INSPECTION FEES

SWIMMING POOL INSPECTION FEES IMPOSE A FEE OF \$58.45 PER ANNUM, TO COVER THE COSTS OF MANDATORY SWIMMING POOL INSPECTIONS, WHICH OCCUR NOT LESS THAN ONCE EVERY FOUR YEARS;

10. ELECTED MEMBERS' FEES AND ALLOWANCES

PURSUANT TO SECTION 5.99 OF *THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI)*, RESOLVES TO SET THE ANNUAL ATTENDANCE FEE FOR ALL COUNCILLORS TO \$5,500 AND THE SHIRE PRESIDENT'S ALLOWANCE TO \$5,500 FOR THE 2021/2022 FINANCIAL YEAR.

11. FEES AND CHARGES

PURSUANT TO SECTION 6.16 OF *THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI)*, ADOPTS THE FEES AND CHARGES SET OUT IN ATTACHMENT 10.1.3.2 AND

12. MATERIAL VARIANCE FOR 2021/2022 FINANCIAL YEAR

PURSUANT TO REGULATION 34(5) OF *THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996* ADOPTS THE LEVEL TO BE USED IN THE MONTHLY STATEMENTS OF FINANCIAL ACTIVITY IN 2021/2022 FOR REPORTING MATERIAL VARIANCES TO BE THE GREATER OF:

I) 10%; OR

II) \$20,000;

APPLICABLE TO EACH REVENUE AND EXPENDITURE ITEM WITHIN THE NATURE AND TYPE CLASSIFICATION AND CAPITAL INCOME AND EXPENDITURE.

COUNCIL RESOLUTION – ITEM NO 10.1.3

MOVED: CR CHARLSTON

SECONDED: CR IKU

THAT COUNCIL, BY **ABSOLUTE MAJORITY**:

1. PURSUANT TO SECTION 6.2 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)* AND PART 3 OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*, RESOLVES TO ADOPT THE 2021/2022 BUDGET, INCLUDING THE STATEMENT OF COMPREHENSIVE INCOME BY NATURE AND TYPE, STATEMENT OF COMPREHENSIVE INCOME BY PROGRAM, STATEMENT OF CASH FLOWS, RATE SETTING STATEMENT, SUPPORTING NOTES TO AND FORMING PART OF THE STATUTORY BUDGET, CAPITAL EXPENDITURE BUDGET BY PROJECT AND TRANSFERS TO/FROM RESERVE FUNDS FOR THE YEAR ENDING 30 JUNE 2022, AS DETAILED IN ATTACHMENT 10.1.3.1.
2. PURSUANT TO SECTIONS 6.32, 6.34, 6.35, 6.37 AND 6.38 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)* AND REGULATION 54 OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*, RESOLVES TO ADOPT THE 2021/2022 GENERAL RATE AND MINIMUM PAYMENT FOR THE SHIRE OF COCOS (KEELING) ISLANDS AS FOLLOWS:

RATING CATEGORY	RATE IN \$ 2021/22	MINIMUM RATE 2021/22
GRV General Developed	0.1122	\$725
GRV Vacant Land	0.2240	\$825
GRV Business	0.1184	\$725
GRV Holiday Accommodation	0.1665	\$725

3. PURSUANT TO THE PROVISIONS OF THE *WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007* PART 6, DIVISION 3, SECTION 67:
 - A) LEVY A CHARGE OF \$355 IN RESPECT OF THE REMOVAL OF THE CONTENTS OF ONE 240L REFUSE BIN FROM RESIDENTIAL PROPERTY PER WEEK; AND
 - B) LEVY A MINIMUM CHARGE OF \$355 IN RESPECT OF THE REMOVAL OF THE CONTENTS OF ONE 240L REFUSE BIN FROM COMMERCIAL PROPERTY PER WEEK, ANY ADDITIONAL BINS OR COLLECTIONS WILL RESULT IN ADDITIONAL CHARGES;

4. INSTALMENTS

ENDORSE THE DUE DATES FOR PAYMENT OF INSTALMENT OPTIONS AS:

- A) ONE (1) INSTALMENT OPTION – MONDAY 13 SEPTEMBER 2021: AND
- B) FOUR (4) INSTALMENT OPTION - FIRST INSTALMENT MONDAY 13 SEPTEMBER 2021, SECOND INSTALMENT MONDAY 29 NOVEMBER 2021, THIRD INSTALMENT FRIDAY 11 FEBRUARY 2022, AND FOURTH INSTALMENT TUESDAY 26 APRIL 2022;

5. INSTALMENT ADMINISTRATION FEE

PURSUANT TO SECTIONS 6.45 AND 6.50 OF *THE LOCAL GOVERNMENT ACT (WA) (CKI) 1995* AND REGULATION 67 OF THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996 RESOLVES TO ADOPT AN INSTALMENT ADMINISTRATION CHARGE WHERE THE OWNER HAS ELECTED TO PAY RATES (AND SERVICE CHARGES) BY WAY OF AN INSTALMENT OPTION OF \$5 FOR EACH INSTALMENT AFTER THE INITIAL INSTALMENT IS PAID, BEING \$15.00;

6. INSTALMENT INTEREST

PURSUANT TO REGULATION 68 OF THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996, RESOLVES TO ADOPT AN INSTALMENT INTEREST RATE OF 5.5% WHERE THE OWNER HAS ELECTED TO PAY RATES AND SERVICE CHARGES THROUGH AN INSTALMENT OPTION;

7. PENALTY INTEREST

PURSUANT TO SECTIONS 6.51(1) AND 6.51(4) OF *THE LOCAL GOVERNMENT ACT (WA) (CKI) 1995* AND REGULATION 70 OF THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996, RESOLVES TO ADOPT AN INTEREST RATE OF 11% PER ANNUM FOR RATES AND CHARGES THAT REMAIN UNPAID AFTER BECOMING DUE AND PAYABLE;

8. SUNDRY DEBTOR INTEREST

PURSUANT TO SECTION 6.13 OF *THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI)*, IMPOSE AN INTEREST RATE OF 7%, AS PROVIDED IN REGULATION 19A OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*, ON ALL MONEY OWED TO THE LOCAL GOVERNMENT (OTHER THAN RATES AND SERVICE CHARGES) THAT IS OUTSTANDING FOR MORE THAN 35 DAYS AFTER THE DATE OF ISSUE OF INVOICE;

9. SWIMMING POOL INSPECTION FEES

SWIMMING POOL INSPECTION FEES IMPOSE A FEE OF \$58.45 PER ANNUM, TO COVER THE COSTS OF MANDATORY SWIMMING POOL INSPECTIONS, WHICH OCCUR NOT LESS THAN ONCE EVERY FOUR YEARS;

10. ELECTED MEMBERS' FEES AND ALLOWANCES

PURSUANT TO SECTION 5.99 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)*, RESOLVES TO SET THE ANNUAL ATTENDANCE FEE FOR ALL COUNCILLORS TO \$5,500 AND THE SHIRE PRESIDENT'S ALLOWANCE TO \$5,500 FOR THE 2021/2022 FINANCIAL YEAR.

11. FEES AND CHARGES

PURSUANT TO SECTION 6.16 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)*, ADOPTS THE FEES AND CHARGES SET OUT IN ATTACHMENT 10.1.3.2 AND

12. MATERIAL VARIANCE FOR 2021/2022 FINANCIAL YEAR

PURSUANT TO REGULATION 34(5) OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996* ADOPTS THE LEVEL TO BE USED IN THE MONTHLY STATEMENTS OF FINANCIAL ACTIVITY IN 2021/2022 FOR REPORTING MATERIAL VARIANCES TO BE THE GREATER OF:

- I) 10%; OR
- II) \$20,000;

APPLICABLE TO EACH REVENUE AND EXPENDITURE ITEM WITHIN THE NATURE AND TYPE CLASSIFICATION AND CAPITAL INCOME AND EXPENDITURE.

THE MOTION WAS PUT AND DECLARED CARRIED BY ABSOLUTE MAJORITY (5/0)

FOR: CHARLSTON, IBRAM, IKU, LACY, MINKOM

AGAINST: NIL

10.2 LEASES

Nil

10.3 PLANNING/BUILDING

Nil

10.4 ADMINISTRATION

10.4.1 STANDARDS FOR CEO RECRUITMENT, PERFORMANCE AND TERMINATION

Report Information

Date: 8 July 2021
 Location: Not Applicable
 Applicant: Not Applicable
 File Ref:
 Disclosure of Interest: N/A
 Reporting Officer: Governance and Risk Coordinator
 Island: Shire Wide
 Attachments: 10.4.1.1 - Standards for CEO Recruitment, Performance and Termination

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</i>

		<i>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 the report is to present Council with the Shire of Cocos (Keeling) Islands Standards for CEO Recruitment, Performance and Termination for adoption as required in the *Local Government (Administration) Regulations 1996* (the Regulations).

Relevant Documents

Available for viewing at the meeting.

Nil

Background

Changes to the *Local Government Act 1995* (the Act) and the *Local Government (Administration) Regulations 1996* (the Regulations) came into force on 3 February 2021, resulting in a set of model standards being prescribed in relation to the recruitment of CEOs, the review of the performance of CEOs, and the termination of employment of CEOs (Model Standards).

Council is required within three months to adopt (by absolute majority) standards to be observed by the local government which incorporate the Model Standards. This report presents for adoption the Shire of Cocos (Keeling) Island's Standards for CEO Recruitment, Performance and Termination.

The changes to the Regulations also resulted in the separation of the Code of Conduct to one for the Elected Members and one for Employees. Council adopted the Shire of Cocos (Keeling) Islands Elected Members, Committee Members and Candidates – Code of Conduct on 31 March 2021.

Comment

According to the Department of Local Government, Sport and Cultural Industries (DLGSC) website, stakeholder consultation with the local government sector and the community as part of the Local Government Act Review identified the need for reform in the area of CEO recruitment and performance review.

The aim of the Model Standards is to provide local government with a consistent and equitable process for CEO recruitment, performance review and termination across all local governments, in accordance with the principles of merit, equity and transparency.

The Act does allow local governments to include additional standards where appropriate, however, any additional standards must be consistent with the Model Standards. It is not proposed that any additional standards be included.

Policy and Legislative Implications

Section 5.39A of the Act sets out that Regulations must prescribe the Model Standards.

Regulation 18FA of the *Local Government (Administration) Regulations 1996* provides that Schedule 2 of the Regulations sets out the Model Standards. Section 5.39B (2) of the Act requires that local governments adopt, within 3 months after the day on which the regulations prescribing the Model Standards come into operation, standards to be observed and which incorporate the Model Standards.

Under section 5.39B(4) of the Act, provisions in addition to the Model Standards may be included but are of no effect to the extent that they are inconsistent with the Model Standards.

Section 5.39B(6) of the Act requires the CEO to publish an up-to-date version of the adopted standards on the Shire's website.

Financial Implications

There are no financial/budget implications that have been identified as a result of this report or recommendation.

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2016-2026:

Outcome 4.1 An informed Council leading working with others to advance our Islands.

4.1.1 To provide leadership to the community.

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Compliance	Council not adopting the model standards	Low (4)	Ensure Council is aware of the legislative requirements

	within the prescribed timeframe		
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Risk Matrix

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

Conclusion

The aim of the CEO Standards is to provide local government with a consistent and equitable process for CEO recruitment, performance review and termination across all local governments, in accordance with the principles of merit, equity and transparency.

OFFICER RECOMMENDATION – ITEM NO 10.4.1.

THAT COUNCIL, BY ABSOLUTE MAJORITY, RESOLVE TO ADOPT THE SHIRE OF COCOS (KEELING) ISLANDS STANDARDS FOR CEO RECRUITMENT, PERFORMANCE AND TERMINATION AS AT ATTACHMENT 10.4.1.1.

COUNCIL RESOLUTION – ITEM NO 10.4.1

MOVED: CR CHARLSTON

SECONDED: CR IBRAM

THAT COUNCIL, BY ABSOLUTE MAJORITY, RESOLVE TO ADOPT THE SHIRE OF COCOS (KEELING) ISLANDS STANDARDS FOR CEO RECRUITMENT, PERFORMANCE AND TERMINATION AS AT ATTACHMENT 10.4.1.1.

THE MOTION WAS PUT AND DECLARED CARRIED BY ABSOLUTE MAJORITY (5/0)

FOR: CHARLSTON, IBRAM, IKU, LACY, MINKOM

AGAINST: NIL

10.4.2 CONDUCT OF 2021 LOCAL GOVERNMENT ORDINARY ELECTION

Report Information

Date: 29 June 2021
 Location: N/A
 Applicant: N/A
 File Ref: N/A
 Disclosure of Interest: The Chief Executive Officer declares a Financial and Impartiality Interest as that officer would likely be the person employed as the Returning Officer in the event Council does not appoint the WAEC to conduct the election.
 Reporting Officer: Chief Executive Officer
 Island: N/A
 Attachments: 10.4.2.1 – WAEC – Cocos Island Cost Estimate and Agreement to conduct elections

Authority / Discretion

Definition

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

Report Purpose

The purpose of this report is to seek for Council to consider the appointment of the Western Australian Electoral Commission (WAEC) to conduct the 2021 Ordinary Election under s4.20 of the *Local Government Act 1995 (WA) (CKI)*, on 16 October 2021.

Relevant Documents

Available for viewing at the meeting

Nil

Background

Historically the Shire has run its ordinary elections internally with the Returning Officer being the Chief Executive Officer. Under the *Local Government Act 1995 (WA) (CKI)*, the Returning Officer for an election is to be the Chief Executive Officer unless the local government appoints another person or the Electoral Commissioner to conduct an election, after first receiving their written approval. The appointment must be made no less than 80 days prior to the election, this being 28 July 2021 for the 2021 ordinary elections.

Comment

In late 2020 the then Chief Executive Officer wrote to the Electoral Commissioner seeking their written agreement to be responsible for the 2021 ordinary elections for the Shire of Cocos (Keeling) Islands. Written agreement from the Electoral Commissioner of the Western Australian Electoral Commission (WAEC) was received by the Shire dated 15 December 2020, as contained in Attachment 10.4.2.1

A representative from the WAEC presented in person to Council at a council workshop held on 7 July 2021. The representative presented to the workshop the process of the WAEC to conduct the elections, the advantages and the inclusions as part of the conduct activity. In accordance with the *Local Government Act 1995 (WA) (CKI)* the WAEC conduct elections on a full cost recovery basis and have provided an estimate for the 2021 elections to be \$18,000, as contained in Attachment 10.4.2.1.

On 9 July 2021, the Chief Executive Officer received written confirmation from the Department of Infrastructure, Transport, Regional Development and Communications to confirm that the Commonwealth Government has committed to funding the costs of the elections conducted by the WAEC under a Service Delivery Agreement with the Western

Australian Government, meaning there would be no costs incurred by the Shire unless there were additional, non-statutory advertising and engagement they wished to carry out.

This opportunity also provides opportunities for Shire staff and casual election staff to gain further knowledge and understanding of the election process from the WAEC, that may not ordinarily be provided when elections are conducted internally.

Policy and Legislative Implications

The *Local Government Act 1995 (WA)(CKI)* states:

4.19. Returning officer

The principal electoral office of a local government is that of returning officer.

4.20. CEO to be returning officer unless other arrangements made

(1) Subject to this section the CEO is the returning officer of a local government for each election.

(2) A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint a person other than the CEO to be the returning officer of the local government for —*

(a) an election; or

(b) all elections held while the appointment of the person subsists.

** Absolute majority required.*

(3) An appointment under subsection (2) —

(a) is to specify the term of the person's appointment; and

(b) has no effect if it is made after the 80th day before an election day.

(4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

** Absolute majority required.*

Financial Implications

As the Commonwealth Government has put in place a Service Delivery Agreement to fund the WAEC to conduct the elections, should Council appoint the Electoral Commissioner there

would be no financial implications to the Shire unless there were additional, non-statutory advertising and engagement they wished to carry out.

Should Council make a determination for the Returning Officer to be the Chief Executive Officer, all costs to conduct the elections would be borne by the Shire. These include the cost of election employees, statutory advertising, staff administration time and any non-statutory advertising and engagement activities.

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2016-2026 - Civic Leadership
Outcome 4.1 - An informed Council leading working with others to advance our Islands.
4.1.1 - To provide leadership to the community.

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Reputation	Experience of all of the election officials is not sufficient to conduct the elections should the WAEC not conduct the elections resulting in reputation damage to both the Shire and potential candidates.	High	Council to declare the Electoral Commissioner responsible for the 2021 Elections.
Compliance	Experience of all of the election officials is not sufficient to conduct the elections should the WAEC not conduct the elections. Resulting in non-compliances from both the Shire and potential candidates.	High	Council to declare the Electoral Commissioner responsible for the 2021 Elections.
Financial	The Service Delivery Agreement is not finalised prior to elections being carried out, leaving the Shire	Low	Ensure sufficient funds are provided for in the 2021/22 Annual Budget to cover any costs not funded.

	with the full cost recovery costs for the WAEC.		
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Risk Matrix

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

Voting Requirements

Absolute Majority

Conclusion

Should Council choose not to appoint the WAEC to conduct the 2021 Election and request that the Returning Officer remain as the Chief Executive Officer, this will have implications on staff time, and other projects may be delayed. With the role of Deputy Chief Executive Officer due to transition in October there will already be additional pressure on staff resources at this time.

It is also to Council's benefit to have the experience of the WAEC facilitating the process and to allow Council and staff to maintain the desired independence during the election process.

It is the Officers recommendation that Council appoint the Electoral Commissioner to conduct the 2021 ordinary elections for the Shire of Cocos (Keeling) Islands.

OFFICER RECOMMENDATION – ITEM NO 10.4.2.

THAT COUNCIL, BY ABSOLUTE MAJORITY, RESOLVES TO DECLARE, IN ACCORDANCE WITH SECTION 4.20(4) OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)*, THE ELECTORAL COMMISSIONER TO BE RESPONSIBLE FOR THE CONDUCT OF THE 2021 ORDINARY ELECTION TOGETHER WITH ANY OTHER ELECTIONS OR POLLS WHICH MAY ALSO BE REQUIRED.

COUNCIL RESOLUTION – ITEM NO 10.4.2

MOVED: CR IKU

SECONDED: CR CHARLSTON

THAT COUNCIL, BY ABSOLUTE MAJORITY, RESOLVES TO DECLARE, IN ACCORDANCE WITH SECTION 4.20(4) OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)*, THE ELECTORAL COMMISSIONER TO BE RESPONSIBLE FOR THE CONDUCT OF THE 2021 ORDINARY ELECTION TOGETHER WITH ANY OTHER ELECTIONS OR POLLS WHICH MAY ALSO BE REQUIRED.

THE MOTION WAS PUT AND DECLARED CARRIED BY ABSOLUTE MAJORITY (5/0)

FOR: CHARLSTON, IBRAM, IKU, LACY, MINKOM

AGAINST: NIL

10.4.3 COCOS (KEELING) ISLANDS PLASTIC RECYCLING ASSESSMENT (MARINE PLASTICS) REPORT

Report Information

Date: 18 July 2021
 Location: Not Applicable
 Applicant: Not Applicable
 File Ref: Not Applicable
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: Whole of Shire
 Attachments: 10.4.3.1 - University of Western Australia (UWA) Oceans Institute
 Cocos (Keeling) Island Plastic Recycling Assessment 2021

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 receive the Plastic Recycling Assessment (Marine Plastics) Report (the Report) developed by the UWA Oceans Institute as commissioned by the Shire of

Cocos (Keeling) Islands and the Indian Ocean Territories Regional Development Organisation (IOTs RDO).

Relevant Documents

Available for viewing at the meeting

Nil

Background

Remote island groups, like the IOTs, face immediate pressures of climate change and increased anthropogenic pollution due to global population growth. Specifically, as plastics become more frequently consumed by populations in Southeast Asia and Australia, marine plastic pollution has become a major concern for the Indian Ocean Territories.

In 2020, the University of Western Australia Oceans Institute was commissioned by the Shire of the Cocos (Keeling) Islands in partnership with the IOTs RDO, to provide an assessment of the challenges inherent to managing plastic debris ($\geq 5\text{mm}$) washed ashore on the Cocos (Keeling) Islands from offshore sources. The resulting report, as contained in Attachment 10.4.3.1, presents a tool the Shire can use to appraise the viability of competing plastic management options proposed by the private sector and enable the Shire to design their own plastic management strategy.

Comment

A study in 2019 estimated that (at that time) 238 tonnes of plastic existed on the beaches of the Cocos (Keeling) Islands. Current practice for managing any debris that is collected is to incinerate, however, it has been acknowledged that this is not economically or environmentally sustainable. Based on the specific logistical challenges for remote islands, the report has identified mechanical recycling (sorting, shredding, cleaning, remoulding), export of valuable ocean plastics (\$1-\$10/kg), and catalytic pyrolysis as potential pathways for the management of offshore plastics arriving on the islands. Steps that need to be considered for a plastic management plan include:

1. Refusing and reducing domestic plastic use in line with Western Australia's Plan for Plastics (WA DWER, 2020), which is among the most progressive in the country, and Cocos (Keeling) Islands potential long term plastic free goal;
2. Collecting and sorting both ocean plastics and domestic plastics;
3. Cleaning sorted plastic materials;
4. Recycling and creating new products; and

- Utilising recycled products on island or exporting valuable plastic materials.

The Cocos (Keeling) Islands are eligible to become a part of a new internationally recognised plastic credit system through The 3R Initiative, which could offset some of the cost of the initiatives. This system allows companies to mitigate the impact of plastic waste that remains beyond their control by paying for the collection and recycling of plastics in communities like the Cocos (Keeling) Islands, which are inundated by offshore marine plastics (Guidelines for Corporate Plastic Stewardship, 2021).

By incorporating recycling methods, plastic credits, community education programs, and sustainability practices, the Shire can leverage the value of ocean plastics to create a once again pristine island system.

Quick Wins, Immediate Action, & Long-Term Outlook

The following actions have been identified as a result of the report:

Quick Wins 2021	Immediate Action 2021-2022	Future Action 2023-2030
<ul style="list-style-type: none"> • Beachside plastic collection containers for locals and tourists • Refill station for dish detergent, laundry liquid, shampoo, conditioner, body-wash to reduce single use plastic containers • Incorporate ocean plastic pollution and plastic recycling into school curriculum (PET 'fish' collector) • Seek eligibility for WARRRL container deposit scheme. 	<ul style="list-style-type: none"> • Implement mechanical recycling facility (Capital costs: \$100K-350K) • Apply for funding of plastic waste collection and sorting through the 3R Initiative plastic credits program • Collaborated beach cleans (focus on Home Island and West Island first, then Direction Island, Hornsburgh, and South Island) 	<ul style="list-style-type: none"> • Collect data on annual domestic plastic waste and beached marine debris volumes to assess financial viability of catalytic pyrolysis • Collection strategy for plastics on remote beaches implemented. • Ocean microplastic management strategy

Towards Zero Waste Strategy

In October 2010, the Shire developed a Strategic Waste Plan in alignment with the Waste Management Board of Western Australia's Zero Waste Plan Development Scheme. The purpose of this Plan was to provide strategies and actions to guide the Shire and community

of the Cocos (Keeling) Islands to improve waste management practices consistent with the State's vision of *Towards Zero Waste*.

The key actions to improve waste management for the Cocos (Keeling) Islands identified in this plan were:

- The construction of a high temperature incinerator on each Island to burn putrescible wastes: to reduce air emissions, provide safer working conditions for staff and reduce volumes to landfill (currently on Home Island have an incinerator);
- The construction of undercover storage and processing areas for recyclables to increase their value, on Home Island and West Island (completed for glass and aluminium cans); and
- The development of a cohesive purchasing policy for the Islands to reduce the volumes of non-recyclable material brought to the Islands and ensure return to the mainland of vehicles, major steel parts, tyres, office equipment at the owners cost (not completed).

The 'Towards Zero Waste' Strategy has not been reviewed since its development.

Waste Action Group

The solution to waste on the Islands is not a problem that the Shire can solve in isolation. Effective prevention, management and disposal of waste will require input and commitment from not only the Shire, but also the community, local businesses and organisations, and the Commonwealth Government, including the essential service providers contracted by the Commonwealth Government. It is recommended that the Shire establish a Waste Action Group to collectively assess the options available to the Shire and the community and to assist in the development of a Waste Management Strategy that provides a framework into the future.

Policy and Legislative Implications

The *Local Government Act 1995 (WA) (CKI)* does not outline any specific requirements regarding waste management, however takes a broad approach to how a local government provides its general function.

The *Environmental Protection Act 1986 (EP Act)* is the principal piece of environmental legislation for the prevention, control and abatement of pollution and environmental harm. The relevant waste sections in the EP Act were repealed once the WARR Act was gazetted. However, the EP Act is applicable as the overarching environmental protection legislation.

The *Waste Avoidance and Resource Recovery Act 2007* (WARR Act) came into force in July 2008. Some of the key requirements include:

- Stipulation of the development of a waste plan as part of a LGA's future planning.
- Legislative frameworks for waste avoidance and resource recovery systems.
- The establishment of the Waste Authority.
- Development of the State Waste Strategy.
- Provision of municipal solid waste (MSW) services by LGAs.
- Levies on waste.
- The complementary Waste Avoidance and Resource Recovery Levy Act (WARR Levy Act).

The primary objective of the WARR Act is to contribute to sustainability, and the protection of human health and the environment, and the move towards a waste free society by:

- Promoting the most efficient use of resources, including resource recovery and waste avoidance.
- Reducing environmental harm, including pollution through waste.
- The consideration of resource management options against the following hierarchy
 - o Avoidance of unnecessary waste creation and resource consumption.
 - o Resource recovery (including reuse, reprocessing, recycling and energy recovery).
 - o Disposal.

Financial Implications

The establishment of a Waste Action Group and development of a Draft Waste Strategy will require additional resources not currently in place. It is estimated that initially a 0.5FTE and some consultant/engagement costs would be incurred to develop the strategy and lead the coordination of any associated actions. The funds required are proposed to be covered through the salaries budget and consultants budget in 2021/2022.

Strategic Implications

Corporate Business Plan 2018/19 – 2021/22:

Key Result Area 3 – Environment

Objective 3 - Promote Responsible and Sustainable Waste Management

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	The cost of future waste needs and solutions for the Shire remain unidentified and not planned for	High	Develop a Waste Strategy that is incorporated into the Shire's Long Term Financial Plan
Health & Safety	Waste, including marine plastics is not considered an essential service for the islands leading to detrimental effects on human and environmental health	Extreme	Develop a Waste Strategy to inform the services provided by the Shire
Reputation	Waste and marine plastics is not dealt with at a local level leading to loss of reputation for the Shire and the Islands brand in general	High	Develop a Waste Strategy and carry out the actions to ensure that the reputation of the Shire and the Islands is maintained
Environment	Waste, including marine plastics is not considered an essential service for the islands leading to detrimental effects on human and environmental health	Extreme	Develop a Waste Strategy to inform the services provided by the Shire

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

The Report provides a number of tools and methods for managing marine plastics washing ashore on the Cocos (Keeling) Islands. As marine plastics is just one factor in the waste management challenge faced by the Shire, it is recommended that a Waste Action Group be established. Whilst there are 'quick wins' presented in the Report that may be able to be actioned immediately, the Report should be utilised as an informing report in the development of a Waste Management Strategy (building on the previous 'Towards Zero Waste' strategy), that will provide a framework for the management of not only marine plastics but also local waste and waste solutions into the future.

OFFICER RECOMMENDATION – ITEM NO 10.4.3

THAT COUNCIL:

1. NOTE THE MARINE PLASTICS ASSESSMENT REPORT; AND
2. INSTRUCT THE CHIEF EXECUTIVE OFFICER TO FORM A WASTE ACTION GROUP THAT IS TO:
 - A. CONSIDER THE 'QUICK WIN' ACTIONS AS PRESENTED IN THE REPORT; AND
 - B. DEVELOP A DRAFT WASTE MANAGEMENT STRATEGY, UTILISING SHIRE'S PREVIOUSLY ADOPTED 'TOWARDS ZERO WASTE' STRATEGY AND INFORMATION IN THE REPORT, THAT IS TO BE PRESENTED TO COUNCIL FOR CONSIDERATION.

COUNCIL RESOLUTION – ITEM NO 10.4.3

MOVED: CR CHARLSTON

SECONDED: CR IBRAM

- 1. NOTE THE MARINE PLASTICS ASSESSMENT REPORT; AND**
- 2. INSTRUCT THE CHIEF EXECUTIVE OFFICER TO FORM A WASTE ACTION GROUP THAT IS TO:**
 - A. CONSIDER THE ‘QUICK WIN’ ACTIONS AS PRESENTED IN THE REPORT; AND**
 - B. DEVELOP A DRAFT WASTE MANAGEMENT STRATEGY, UTILISING SHIRE’S PREVIOUSLY ADOPTED ‘TOWARDS ZERO WASTE’ STRATEGY AND INFORMATION IN THE REPORT, THAT IS TO BE PRESENTED TO COUNCIL FOR CONSIDERATION.**

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

FOR: CHARLSTON, IBRAM, IKU, LACY, MINKOM

AGAINST: NIL

10.5 MINUTES TO BE RECEIVED

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

Nil

14. MATTERS RELATING TO THE LAND TRUSTS



MATTERS RELATING TO THE LAND TRUST 1979 AND LAND TRUST 1984

The Australian Government transferred ownership of portions of land on the Cocos (Keeling) Islands, under two separate deeds, to the Territory's local government being the Cocos (Keeling) Islands Council. On 1 July 1992, the Territories Law Reform Act came into effect by which the Commonwealth Government applied Western Australian laws to the Cocos (Keeling) Islands. The *Local Government (Transition) Ordinance 1992* established the Shire of the Cocos (Keeling) Islands by absorbing the Cocos (Keeling) Islands Council. By this arrangement, the body corporate called the Shire of Cocos (Keeling) Islands became the Trustee for both Land Trusts. Decisions relating to the Trust are made by Council as the decision-making arm of the body corporate.

The 1979 Deed: The 1979 Trust Deed applies to all of the land above the high-water mark on Home Island, except Lot 13, Lot 14 and Pulu Gangsa (Cemetery Island). The Deed states that the land is to be held 'upon trust for the benefit, advancement and wellbeing of the community formed by the Kampong residents.' No other terms were expressed in the Deed. 'Kampong residents' were described in the 1979 Trust Deed as 'the residents from time to time of the Kampong area'.

The 1984 Deed: The 1984 Trust Deed applies to all parcels of land situated and being above high-water mark within the Cocos (Keeling) Islands, including North Keeling Island, but not including parcels of land as described in the First Schedule of the 1984 Trust Deed. This transferred land was to be held by the Council (and later, by its successor, the Shire) 'upon trust for the benefit, advancement and wellbeing of the Cocos (Keeling) Islander's resident in the Territory on land owned by the Council.'

14.1 TRUSTS ADMINISTRATION

Nil

14.2 TRUSTS LEASES

Nil

14.3 TRUSTS FINANCE

Nil

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

15.1 HOUSING PROVIDED FOR THE PURPOSES OF THE DISTRICT MEDICAL OFFICER AND SHIRE EMPLOYEES

Report Information

Date: 26 July 2021

Location: This report discusses the following properties:

House 100, Home Island – Lot 255, Jalan Melati, Home Island

House 31, West Island – Lot 131, Orion Close, West Island

House 16, West Island – Lot 116, William Keeling Crescent, West

Island

House 43, West Island – Lot 143, Beacon Heights, West Island

House 56, West Island – Lot 156, Beacon Heights, West Island

Applicant: Not Applicable

File Ref: Not Applicable

Disclosure of Interest: The reporting officer is currently housed at House 100, Home Island

Reporting Officer: Chief Executive Officer

Island: Home Island

Attachments: Nil

Authority / Discretion

Definition

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

Report Purpose

The purpose of this report is for Council to consider its intentions to provide House 100, Home Island for the purposes of housing the District Medical Officer and the subsequent housing requirements for Shire employees as result.

Relevant Documents

Available for viewing at the meeting

Nil

Background

In 2009 the Shire of Cocos (Keeling) Islands (the Shire) leased Lot 126 West Island, also known as Government House, for the purposes of providing employee housing. This residence was utilised by the Shire as the Chief Executive Officers' residence.

The lease for the house expired in September 2019 and was continued to be leased on a month-to-month basis. On 8 April 2021, the Shire received written notification of the

Department of Infrastructure, Transport, Regional Development, and Communications' (the Department) decision to terminate the month-to-month lease for Government House.

The Shire currently requires a minimum of three properties for the purposes of housing senior employees. There are leases for Houses 16 and 31 West Island and with the shortage of accommodation options across both of the island and no other suitable Commonwealth property being made available at the time, the Shire was unable to find an available alternative property to house the Chief Executive Officer (CEO).

At the Special Council Meeting held on 15 April 2021 Council resolved to give notice of its intention to terminate the lease agreement for House 100, Home Island so that it could be made available for staff housing.

Comment

Since the changes to housing arrangements, significant community concern has been expressed for a permanent solution to be provided for the housing of the District Medical Officer on Home Island. The Shire acknowledges the community's concern for the DMO to be housed on the island being where the vast majority of the Shire's population reside including a large percentage of the vulnerable population.

Negotiations have continued between the Shire and the Department and has resulted in the following proposal:

- Houses 31, 16 and 56, West Island will be provided by way of lease to the Shire to be utilised for staff housing (although should House 43, West Island become vacant this may be offered in lieu of House 56).
- The Shire, subject to Council approval, is to provide by way of lease house 100, Home Island to the Department for the purposes of housing the District Medical Officer.

As there is going to be movement amongst Shire employees during October the Shire and the Department are working to finalise all arrangements by the end of October 2021. To ease any further community concern, both parties have expressed an interest in a joint communication to the community around the resolution of the housing arrangements.

In determining this matter, Council is acting in its capacity as the Trustee of the Land Trusts as the House is on Land held in Trust under the 1979 Land Trust Deed; therefore Council, is required to have due consideration of the purpose of the Trust, that is "upon trust for the benefit, advancement and wellbeing of the community formed by the Kampong residents."

Policy and Legislative Implications

Section 3.58 of the *Local Government Act 1995 (WA) (CKI)* deals with the disposal of property by way of lease. The requirements under section 3.58 are excluded where the regulations provide.

Regulation 30(2)(c)(ii) of the *Local Government (Functions and General) Regulations 1996* states that a disposition of land is an exempt disposition where the land is disposed of to a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth.

Financial Implications

There are no direct financial implications associated with this report.

At the time of the Shire entering into a lease agreement for a third house on West Island there will be a cost to the Shire. The rent for the proposed property is not yet set, however rent paid on Houses 31 and 16 is \$18,612 for each property per annum. Similarly, when a lease agreement is entered into for House 100, Home Island a rental amount will be agreed to. The level of rent set previously was \$20,363 per annum.

Strategic Implications

Shire of Cocos (Keeling) Islands Corporate Business Plan 2018/19 – 2021/22
Key Result Area 2 – Social; An involved, inclusive, healthy community
Objective 4 – Promote and support an inclusive and health community
2.1.4.2 – Provide and maintain quality housing for the General Practitioner

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Reputation	Suitable premises are not made available for the DMO on Home Island resulting in Community concern that the necessary health services are not	High	Work with the Department to agree to a sustainable solution for the housing needs of the Shire for senior employees and the DMO.

	available when required.		
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Risk Matrix

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

Voting Requirements

Simple Majority

Conclusion

It is important to the Shire, the Department and the community that the housing arrangements are resolved. It is recommended that the negotiated proposal be agreed to, and that Council instruct the CEO to enter into suitable leasing arrangements. To ensure that the community is kept well informed, it is also recommended that the CEO work to a mutual agreement on a joint communication between the organisation, to be approved by the Shire President, on the resolution of the housing arrangements.

OFFICER RECOMMENDATION – ITEM NO 15.1

THAT COUNCIL, ACTING IN ITS CAPACITY AS TRUSTEE OF THE 1979 LAND TRUST DEED, BY SIMPLE MAJORITY, RESOLVES TO:

1. NOTE THAT THE COMMUNITY'S PREFERENCE IS FOR THE DISTRICT MEDICAL OFFICER TO RESIDE ON HOME ISLAND;
2. INSTRUCT THE CHIEF EXECUTIVE OFFICER TO NEGOTIATE AND ENTER INTO A SUITABLE LEASE ARRANGEMENT WITH THE DEPARTMENT OF INFRASTRUCTURE, TRANSPORT, REGIONAL DEVELOPMENT AND COMMUNICATIONS FOR STAFF HOUSING ON WEST ISLAND;
3. INSTRUCT THE CHIEF EXECUTIVE OFFICER TO NEGOTIATE AND ENTER INTO A SUITABLE LEASE TO PROVIDE HOUSE 100, HOME ISLAND FOR THE INTENTION OF HOUSING THE DISTRICT MEDICAL OFFICER;
4. NOTE THAT PER R.30(2)(C)(ii) OF *THE LOCAL GOVERNMENT (FUNCTIONS AND GENERAL) REGULATIONS 1996* THE DISPOSITION OF LAND TO THE DEPARTMENT OF

INFRASTRUCTURE, TRANSPORT, REGIONAL DEVELOPMENT AND COMMUNICATIONS IS EXEMPT FROM THE CONDITIONS UNDER SECTION 3.58 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)*; AND

5. AUTHORISE THE SHIRE PRESIDENT TO APPROVE A JOINT COMMUNICATION FROM THE SHIRE AND THE DEPARTMENT OF INFRASTRUCTURE, TRANSPORT, REGIONAL DEVELOPMENT AND COMMUNICATIONS IN REGARD TO THE RESOLUTION OF THE HOUSING ARRANGEMENTS.

COUNCIL RESOLUTION – ITEM NO 15.1

MOVED: CR LACY

SECONDED: CR IBRAM

THAT COUNCIL, ACTING IN ITS CAPACITY AS TRUSTEE OF THE 1979 LAND TRUST DEED, BY SIMPLE MAJORITY, RESOLVES TO:

1. **NOTE THAT THE COMMUNITY'S PREFERENCE IS FOR THE DISTRICT MEDICAL OFFICER TO RESIDE ON HOME ISLAND;**
2. **INSTRUCT THE CHIEF EXECUTIVE OFFICER TO NEGOTIATE AND ENTER INTO A SUITABLE LEASE ARRANGEMENT WITH THE DEPARTMENT OF INFRASTRUCTURE, TRANSPORT, REGIONAL DEVELOPMENT AND COMMUNICATIONS FOR STAFF HOUSING ON WEST ISLAND;**
3. **INSTRUCT THE CHIEF EXECUTIVE OFFICER TO NEGOTIATE AND ENTER INTO A SUITABLE LEASE TO PROVIDE HOUSE 100, HOME ISLAND FOR THE INTENTION OF HOUSING THE DISTRICT MEDICAL OFFICER;**
4. **NOTE THAT PER R.30(2)(C)(ii) OF *THE LOCAL GOVERNMENT (FUNCTIONS AND GENERAL) REGULATIONS 1996* THE DISPOSITION OF LAND TO THE DEPARTMENT OF INFRASTRUCTURE, TRANSPORT, REGIONAL DEVELOPMENT AND COMMUNICATIONS IS EXEMPT FROM THE CONDITIONS UNDER SECTION 3.58 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)*; AND**
5. **AUTHORISE THE SHIRE PRESIDENT TO APPROVE A JOINT COMMUNICATION FROM THE SHIRE AND THE DEPARTMENT OF INFRASTRUCTURE, TRANSPORT, REGIONAL DEVELOPMENT AND COMMUNICATIONS IN REGARD TO THE RESOLUTION OF THE HOUSING ARRANGEMENTS.**

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

FOR: CHARLSTON, IBRAM, IKU, LACY, MINKOM

AGAINST: NIL

