

Shire of Cocos (Keeling) Islands

Shire of Cocos (Keeling) Islands

Minutes

Ordinary Meeting of Council

Wednesday 26 July 2023, 4:00pm

Council Chambers, Shire Administration Building

Lot 256 Jalan Bunga Melati, Home Island

Disclaimer

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

OUR VALUES

Service

Provide the best service we can.

We serve the community and each other.

Accountability

We take responsibility for our own actions.

We do what we say we will do.

Mistakes are an opportunity to learn.

Support

We support our team and our community.

Look for opportunities to help each other.

Respect

We respect and value others.

Our interactions are always respectful towards others.

Integrity

We will be honest and transparent with all our dealings.

Maintain confidentiality.

Trust each other.

Achievement

Being proactive and enabling the outcomes.

Be creative and think outside the square.

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1. OPENING/ANNOUNCEMENTS OF VISITORS

The Presiding Member declares the meeting open at 4:06pm and welcomed Councillors and staff.

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

President: Cr A Minkom

Deputy President: Cr S Iku

Councillors: Cr Knight
Cr T Lacy
Cr Young

Officers: Frank Mills, Chief Executive Officer
Vikki Lauritsen, Manager Finance and Corporate Services
Ibrahim Macrae, Manager Governance, Risk and Planning
A Hajat, Community Development Coordinator

Public: 1

Visitors: Nil

Apologies: Nil

Approved Leave of Absence: Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

In accordance with section 5.24(1) (a) of the *Local Government Act 1995*, time is allocated for questions to be raised by members of the public, as follows:

(1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.

(2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in sub regulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

Pursuant to regulation 7(4) (a) of the *Local Government (Administration) Regulations 1996*, questions from the public must relate to a matter affecting the local government.

In accordance with section 5.25 (1)(f) of the *Local Government Act 1995* and the Local Government (Administration) Regulations 1996 regulation 11(e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question will be included in the minutes of the meeting.

Where a question is taken on notice at the meeting, a summary of the response to the question will be included in the agenda for the following Council meeting.

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

Question 1: Could the Shire please look into see if we can get a grant through our boating license and registration fees like the community attached?

Question 2: Since we can't use the boat ramp, could the Shire look into if we can have our boat registration fees reduced or not pay?

Response: the CEO has recently met with a resident to discuss redevelopment strategies on the current recreational boat ramp on West Island. Part of the discussion is formation of a boat ramp committee to provide advice on the current condition and advocate to the relevant agencies for funding on the construction of a new fit for purpose boat launching facility on West Island which meets current standards for recreational boating facilities. The Shire have also engaged consultant to undertake survey work around sand and water movement in assessing possible siting of a new boat ramp. It is proposed that a petition will be developed by the Shire and the boat ramp group to lobby the Commonwealth for funding for a new boat ramp.

The CEO will also approach the Department of Transport regarding the boat registration fees.

5. LEAVE OF ABSENCE

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

5.1 LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Councillor	Date of Leave	Approved by Council
NIL		

5.2 APPLICATION FOR LEAVE OF ABSENCE

Cr Iku requested to apply for leave of absence for the period 15 August 2023 to 12 September 2023.

COUNCIL RESOLUTION – ITEM NO 5.2

MOVED CR YOUNG

SECONDED CR LACY

THAT CR IKU REQUEST FOR LEAVE FOR THE PERIOD 15 AUGUST 2023 TO 12 SEPTEMBER 2023 BE APPROVED.

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

FOR: IKU, KNIGHT, LACY, MINKOM, YOUNG

AGAINST: NIL

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING(S)

7.1 Ordinary Council Meeting held on 30 June 2023 - 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 2023 AS PRESENTED IN ATTACHMENT 7.1 BE CONFIRMED AS A TRUE AND CORRECT RECORD OF PROCEEDINGS.

COUNCIL RESOLUTION – ITEM NO 7.1

MOVED CR LACY

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 2023 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: IKU, MINKOM, KNIGHT, LACY, YOUNG

AGAINST: NIL

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

Nil

9. DECLARATION OF INTERESTS

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

Name	Item No.	Interest	Nature
Cr Lacy	15.1.1	Financial	He is the applicant.
Cr Lacy	16.1	Indirect Financial	His wife is an employee of one of the applicants.

10. REPORT FROM COMMITTEES AND OFFICERS

10.1 CHIEF EXECUTIVE OFFICER

10.1.1 2023 WA LOCAL GOVERNMENT REFORM

Report Information

Date: 15 July 2023
 Location: Cocos (Keeling) Islands
 Applicant: Chief Executive Officer
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: Shire wide
 Attachments: Nil

Authority / Discretion

Definition

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning</i>

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

Report Purpose

The purpose of this report is to advise Council of the Priority regulation amendments for local government elections and final set of orders for council representation changes and advice received regarding Commonwealth responsibility for change.

Relevant Documents

Available for viewing at the meeting

Nil

Background

Councillor Lacy requested information regarding the possible establishment of a “wards system” for the Shire of Cocos (Keeling) Islands.

On 6 July 2023, advice was received, the West Australian State Government has introduced priority regulation amendments for local government elections and made the final set of orders for council representation changes for the implementation reforms ahead of the 2023 elections. Advice received in part as follows:

“These amendments are an important element of the most significant reform of the Local Government Act 1995 in 25 years and will strengthen local democracy and provide greater transparency and accountability.

The electoral reforms are aimed at strengthening local democracy, transparency and accountability by:

- *introducing optional preferential voting, bringing local government elections back in line with State and Federal elections and restoring the right of electors to express preferences*
- *requiring public election of the mayor or president for all larger councils*
- *abolishing the use of wards for smaller local governments*
- *aligning the size of councils with the size of the population of each local government area.*

A number of sections of the Act were commenced on 1 July 2023 to give effect to the changes listed above at the October 2023 elections”.

Policy and Legislative Implications

Advice has been received (email on 20 July 2023) from Ethan Redshaw, Director Regulatory Reform – West Australian Local Government, Department of Local Government, Sport, and Cultural Industries as follows:

“I have been forwarded your email query by WAEC in relation to the establishment of wards for the Shire of Cocos (Keeling) Islands.

I am not able to give legal advice, so the below is provided as general information only.

I understand the legislative authority to give effect to any specific representation changes for the Shire sits with the Australian Government, as opposed to the Western Australian Government, as the Cocos (Keeling) Islands are part of the Indian Ocean Territories.

In relation to the proposal to establish wards for the Shire, I understand that this would be a matter to be considered by the Australian Government. My usual contact on these matters is Jillian McCormack, A/Assistant Director from the Department of Infrastructure, Transport, Regional Development, Communications, and the Arts”.

Financial Implications

Nil

Strategic Implications

Sarah Vandebroek and Jillian McCormack have been forwarded a copy of the email received on 20. July 2023 from Ethan Redshaw requesting the Commonwealth position on electoral boundary change.

Voting Requirements

Simple majority

OFFICER RECOMMENDATION – ITEM NO 10.1.1

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

COUNCIL RESOLUTION – ITEM NO 10.1.1

MOVED CR IKU

SECONDED CR LACY

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

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

FOR: IKU, MINKOM, KNIGHT, LACY, YOUNG

AGAINST: NIL

10.1.2 INDIGENOUS GRANT – COMMON SEAL

Report Information

Date: 13 July 2023
 Location: Cocos (Keeling) Islands
 Applicant: Chief Executive Officer
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: Shire wide
 Attachments: 10.1.2.1 - Cover Letter Shire of Cocos (Keeling) Islands
 10.1.2.2 - 1000 Jobs Package Tranche Two Project Schedule - Shire of Cocos (Keeling) Islands 3
 10.1.2.3 - NIAA Head Agreement - 4-IQOR8CZ

Authority / Discretion

Definition

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<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>
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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

The purpose of this report is to seek Council approval for the signing and attachment of the Common Seal to a Head Agreement for Indigenous Grants.

Relevant Documents

Available for viewing at the meeting

Nil

Background

The Commonwealth of Australia as represented by the National Indigenous Australians Agency has approved funding for the Shire of Cocos (Keeling) Islands to employ two people under the 1000 Jobs Package.

The Head Agreement:

- Creates a framework that governs the relationship between the Commonwealth and the Provider for all Indigenous Grants, and
- Sets out the general terms and conditions applying to all Projects and Grants.

Separate to each Project Schedule, the Head Agreement requires Council approval for signing and the attachment of the Common seal.

The project schedule (see attached) refers to the 1000 Jobs Package Tranche Two – Shire of Cocos (Keeling) Islands Three in the sum of \$122,116.72.

Policy and Legislative Implications

Signing and attachment of the Common Seal meets Policy and Legislative requirements.

Financial Implications

Signing and attachment of the Common Seal is a precursor to funding being provided under the 1000 Jobs Program.

Strategic Implications

Signing and attachment of the Common Seal is a strategic step for funding for additional Council staff under the 1000 jobs program.

Voting Requirements

Simple

OFFICER RECOMMENDATION – ITEM NO 10.1.2

1. THAT COUNCIL, BY SIMPLE MAJORITY, ENDORSE AND APPROVE THE CHIEF EXECUTIVE OFFICER TO SIGN THE HEAD AGREEMENT FOR INDIGENOUS GRANTS AS TABLED AND AFFIX THE COMMON SEAL TO THE AGREEMENT ONCE SIGNED.

COUNCIL RESOLUTION – ITEM NO 10.1.2

MOVED CR LACY

SECONDED CR YOUNG

- 1. THAT COUNCIL, BY SIMPLE MAJORITY, ENDORSE AND APPROVE THE CHIEF EXECUTIVE OFFICER TO SIGN THE HEAD AGREEMENT FOR INDIGENOUS GRANTS AS TABLED AND AFFIX THE COMMON SEAL TO THE AGREEMENT ONCE SIGNED.**

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

FOR: IKU, MINKOM, KNIGHT, LACY, YOUNG

AGAINST: NIL

10.1.3 SEA COUNTRY SOLUTIONS – TECHNICAL PARTNER

Report Information

Date: 20 July 2023
 Location: Cocos (Keeling) Islands
 Applicant: Chief Executive Officer
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: Shire wide
 Attachments: Nil

Authority / Discretion

Definition

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<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 advise Council of the appointment of Sea Country Solutions as the Technical Fisheries Partner for the Cocos (Keeling) Islands Fisheries Management – Initial 12-month plan from the 1st of January to the 31 December 2023.

Relevant Documents

Available for viewing at the meeting

RE - Sea Country Solutions EOI - CKI Fisheries Management Technical Partner
 CKI Proposal CKI fisheries contract 24 November 2023
 SCS EOI - CKI Fisheries Mgmt. Tech Partner (28 Apr 23)
 Fisheries contract March 2023 FINAL
 Fisheries Advert

Background

In March 2023, a Services Contract in relation to Fisheries Services in the Cocos (Keeling) Islands was signed by the Commonwealth of Australia as represented by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts and the Shire of Cocos (Keeling) Islands. (See attached)

The Cocos (Keeling) Islands Fisheries Management – Initial 12-month plan from the 1st of January to the 31 December 2023 (See attached) approved by the Cocos Marine Care in November 2022, set out the requirements to comply with the Services Contract.

One such requirement was for the Shire to engage a Technical Partner to provide technical expertise to the Shire Fisheries Ranger, as well as carrying out training and developing the program through a design and coordination process.

In April 2023, the Shire advertised for a Technical Fisheries Partner to join the program through social media and the Shire website (see attached advert). At the close of the application period only one applicant had applied for the role of Technical Fisheries Partner.

The one application from Sea Country Solutions included:

“I am excited to share Sea Country Solutions’ application (See attached) for the Cocos (Keeling) Islands Fisheries Management - Technical Partner role, as advertised in The Atoll by the CKI Shire.

Our team of marine scientists and policy advisors has strong technical expertise and over 50 years combined practical experience in implementing science-based fisheries management, research and monitoring.

Over the past two years, we have worked with the CKI community, Cocos Marine Care and the Australian Government to establish a new collaborative system of managing CKI fisheries, which ensures that the local community have a direct role in deciding how these resources are used and managed. Through this experience, we have developed a close, trusting relationship with key stakeholders for the project and have learned from the community about the atoll's unique and special marine environment, as well as local aspirations for its future.

We are passionate about working with local stakeholders, including fishers and the broader community, to achieve their ocean management goals and are excited to bring our skills and experience to support your team in delivering the new collaborative, fisheries management arrangements for CKI”.

On Monday 3 July 2023, Shire Chief Executive Officer and Governance, Risk and Planning Manager reviewed the application by Sea Country Solutions and noted that it met or exceeded requirements for the role of Technical Partner.

Consequently, the Chief Executive Officer of the Shire of Cocos (Keeling) Islands (within delegation) approved the appointment of Sea Country Solutions as the Technical Fisheries Partner for the Cocos (Keeling) Islands Fisheries Management – Initial 12-month plan from the 1st of January to the 31 December 2023.

On the 4 July 2023, the Chief Executive Officer of the Shire of Cocos (Keeling) Islands, advised Sea Country Solutions, Kendra Travaille of the success of their application.

Policy and Legislative Implications

Expertise of Sea Country Solutions will provide support to ensure policy and legislative implications are met.

Financial Implications

Program is fully budgeted for with funding provided by the Commonwealth.

Strategic Implications

Nil

Voting Requirements

Simple

OFFICER RECOMMENDATION – ITEM NO 10.1.3

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

COUNCIL RESOLUTION – ITEM NO 10.1.3

MOVED CR YOUNG

SECONDED CR IKU

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

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

FOR: IKU, MINKOM, KNIGHT, LACY, YOUNG

AGAINST: NIL

10.1.4 INDEPENDENT REVIEW OF COMMONWEALTH DISASTER FUNDING

Report Information

Date: 17 July 2023
 Location: Cocos (Keeling) Islands
 Applicant: Chief Executive Officer
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: Shire wide
 Attachments: 10.1.4.1 - WALGA Submission - Independent Review of Commonwealth Disaster Funding - Consultation Draft

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

The purpose of this report is to seek Council advice and direction regarding a submission to an Independent Review of Commonwealth Disaster Funding.

Relevant Documents

Available for viewing at the meeting

Nil

Background

Due to the service delivery arrangements between the Shire of Cocos (Keeling) Islands, the West Australian Government and the Commonwealth Government, Commonwealth Disaster Funding is currently unavailable for the Cocos (Keeling) Islands.

The Minister for Emergency Management, Senator the Hon. Murray Watt, has commissioned an ***Independent Review of Commonwealth Disaster Funding***. Mr Andrew Colvin AO APM has been appointed as the Independent Reviewer, supported by a team from consulting firm Deloitte and a taskforce within the National Emergency Management Agency (NEMA).

The Review will explore the most effective ways for the Australian Government to support communities through the funding it provides to state and territory governments, local governments, businesses, and community organisations in support of natural disaster management. It will consider how the Commonwealth Government can better invest in disaster risk reduction to lessen the impacts of natural disasters and help communities respond and recover more quickly.

This review is one of three Commonwealth reviews examining Australia's Emergency Management sector. The Government will also examine ***Disaster Recovery Funding Arrangements (DRFA)***, and ***National Natural Disaster Governance Arrangements***.

The West Australian Local Government Association (WALGA) has compiled a draft submission and is seeking feedback/support from the local government sector for their submission (see attached).

WALGA is aware that Deloitte has invited some Local Governments to participate in an online focus group meeting on 28 July. Local Governments seeking to participate in the focus group can email Deloitte at disasterfunding@deloitte.com.au.

The Chief Executive of the Shire of Cocos (Keeling) Islands has submitted an email Deloitte requesting to be considered for inclusion in the online focus group.

Policy and Legislative Implications

Currently policy and legislation prohibit the Cocos (Keeling) Islands from accessing Commonwealth Disaster Funding.

Financial Implications

The Shire of Cocos (Keeling) Islands is currently reliant on Commonwealth "trickle feed" funding for disaster mitigation and management.

Strategic Implications

It would be strategically prudent for the Shire of Cocos (Keeling) Islands to make a submission to the Independent Review of Commonwealth Disaster Funding.

Voting Requirements

Simple majority

OFFICER RECOMMENDATION – ITEM NO 10.1.4

1. THAT COUNCIL BY SIMPLE MAJORITY, PROVIDE THEIR ADVICE AND DIRECTION REGARDING MAKING A SUBMISSION TO THE INDEPENDENT REVIEW OF COMMONWEALTH DISASTER FUNDING.
2. THAT COUNCIL INDICATE ITS SUPPORT OR NOT OF THE WEST AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION SUBMISSION – INDEPENDENT REVIEW OF COMMONWEALTH DISASTER FUNDING AS TABLED.

COUNCIL RESOLUTION – ITEM NO 10.1.4

MOVED CR LACY

SECONDED CR IKU

1. THAT COUNCIL BY SIMPLE MAJORITY, AGREE TO MAKING A SUBMISSION TO THE INDEPENDENT REVIEW OF COMMONWEALTH DISASTER FUNDING.
2. THAT COUNCIL INDICATES ITS SUPPORT FOR THE WEST AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION SUBMISSION – INDEPENDENT REVIEW OF COMMONWEALTH DISASTER FUNDING AS TABLED.

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

FOR: IKU, MINKOM, KNIGHT, LACY, YOUNG

AGAINST: NIL

10.1.5 CEO REPORT JULY 2023

Report Information

Date: 17 July 2023
 Location: Cocos (Keeling) Islands
 Applicant: Chief Executive Officer
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: Shire wide
 Attachments: 10.1.5.1 - CONFIDENTIAL circulated under separate cover

Authority / Discretion

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

Report Purpose

The purpose of this report is to provide Council with an update of the actions of the Chief Executive Officer for the June/July 2023 reporting period.

Relevant Documents

Available for viewing at the meeting

Nil

Background

Amongst daily meetings with staff, community members, a myriad of Commonwealth and State Government agencies and their staff and visitors to the Cocos (Keeling) Islands, of note for this month's report is the following.

Change of Council Meeting date – due to Councillors and staff attending the 2023 WALGA conference being held from the 17 – 19 September 2023, the Ordinary Meeting of Council will need to be postponed for seven days to 27 September 2023.

West Australian Electoral Commission – following discussions with Phillip (Phil) Richards, Manager Election Events, Western Australian Electoral Commission, a meeting will be held at 8.30 a.m. on Wednesday 9 August to take the opportunity to talk/present to Council on the recent Local Government Amendments and also demonstrate the Commission's Count WA software which will be used to capture the preferences marked on the ballot papers.

Sea Country Solutions – meeting with Kendra Travaille, to discuss programs currently underway including the Sea Ranger and to look at solutions for more efficiency and capacity to build the program. Also discussed the next steps in the fisheries management program and fisheries monitoring carried out by the Ranger.

Meeting with IOT Administrator – in person meeting with Ms Farzian Zainal as Administrator of Christmas Island and the Cocos (Keeling) Islands. The meeting focussed on the role of the administrator and how the relationship with the Shire of Cocos (Keeling) Islands could work. This is the first meeting in what will be a series of meetings as time goes by and issues requiring support of the administrator arise.

Department of Water and Environmental Regulation, Hydrogeologist meeting – A meeting arranged by Tim Francis whereby I met with a group of DWER Hydrogeologist and water engineers to travelled to the Cocos (Keeling) Islands (CKI) to work with Tony Falkland for an onsite appreciation of the water sources of CKI. The trip will be taking into account the proposed desal plant for West Island, bore fields, the lens as back up to desal plants on West and Home Island and the impact/assessment of stormwater management as part of your current planning review and as a consequence of the Commonwealth Dept of Defence Runway Project.

Illegal Structure and Vegetation Clearing – Upon investigation of a reporting of illegal clearing of native vegetation behind the Q Station southern block, it was revealed that a father and son team had cleared an amount of cabbage bush and other plant material. The intent was to build a "cubby house" to store surf boards and a boarded-up area to sit and watch the waves. In an onsite meeting with the Shire Chief Executive Officer, it was clearly explained that no vegetation clearing was to occur without the appropriate permit and no building could occur without approval of Council. Choosing to ignore advice given, the following structure has now been built.



On 11 July 2022, a letter of compliance (see attached) within the provisions of clause 3.2(2)(b) of the Shire of Cocos (Keeling) Islands Public Places and Local Government Property Local Law 2020, was sent to the duo advising in part:

“As the clearing of vegetation and construction of the structure you have made are contrary to the provisions of Councils Local Law and the Environmental Protection Act 1986(WA)(CKI), you have 28 days from the date of this notice to dismantle and remove the structure you have made and remediate the site, as far as is possible.

Should you fail to comply with this notice in the next 28 days, section 12.4 (a) (b) (c) of the Councils Local Law and Environmental Protection Act 1986(WA)(CKI) gives authority to the Shire to remove the structure, remediate the site and recover costs involved from you (as a debt)”.

The site in question will be monitored for the 28-day period and further advice to Council provided at an appropriate time.

National Broadband Network – attended a Team’s meeting with Peta Greening Community Engagement Manager WA and Naomi Evans of NBN Local to discuss the development of the telecommunications strategy for the Cocos (Keeling) Islands. As a result, a draft digital action plan being developed by NBN Local will be forwarded to the Shire for review and consideration. A combined Telstra, NBN Local and Shire meeting will be convened in Perth to coincide with the WALGA annual conference in September 2023, to further joint discussions regarding development of a telecommunications strategy for Cocos (Keeling) Islands.

Meeting with Sarah Vandebroek – a Team’s meeting was held with Sarah Vandebroek the First Secretary, Territories Division, Department of Infrastructure, Transport, Regional Development, Communications, and the Arts (DITRCA) and Kim Forbes Assistant Secretary of the same organisation and department to discuss the follow items of business:

Land Management Orders – update and invoicing process – Minister was to advise the outcome of the Shire’s request to return land management areas to the Commonwealth. This will be followed up by DITRCA and advice given to the Shire.

2023 Local Government elections – will Commonwealth fund – this will be taken on notice and advice provided to the Shire after DTRICA discuss with the West Australian Government.

Sandbagging West Island – works to be funded – photos of priority areas, Twiss emergency repairs carried out – invoice? – high tides last week July – 1st week August – agreed Twiss works need to be complete using sandbags available and funding will be worked out with IOT Cocos (Keeling) Island. Other priorities and funding to be discussed by DTRICA with IOT Cocos (Keeling) Islands. Suggested area behind clinic and Motel as high priority areas.

Q Station lease – longer term or not – this matter is to be discussed at the next teams meeting between the Department of Defence, AECOM, Fulton Hogan, the Commonwealth, and the Shire to get clarity of defence needs.

Marine debris – Commonwealth funded – invoice process for collected debris – Commonwealth part fund Tangaroa Blue and will not be funding marine debris disposal on Cocos (Keeling) Islands.

Commonwealth leases – Rumah Baru (Dept Defence survey) has lease been executed and others - review to see if documentation is complete – survey complete, this matter is to be discussed at the next teams meeting between the Department of Defence, AECOM, Fulton Hogan, the Commonwealth, and the Shire to get clarity of defence needs for material off-load facility.

Commonwealth ownership of Kampong flooding issues due to Commonwealth build project – DTRICA see this as a trust issue and see no reason trust could not be wound up to give land tenure to Cocos Malay.

Legacy waste - Birdon quote for removal = \$2,992,983 – DTRICA will make enquiries with various ministerial departments including Department of Environment to see if funding is available to carry out legacy clean-up campaign.

Communications Strategy – membership from Commonwealth in addition to WA Government, Telstra and SCKI – DTRICA to make enquiries to see which agency and who would be best to be on a working party to develop a telecommunications strategy for Cocos (Keeling) Islands and provide advice asap.

Emergency Management – no boat ramp on West Island, highly dangerous precedent, boat ramps on Home Island do not meet specifications/standards all Commonwealth funded – DTRICA will liaise with the Australian Federal Police as to this matter and advise accordingly.

Water galleries, no regulation, or licences for extraction on either Home or West Island – who is responsible to licence – DTRICA to discuss this matter with Tim Francis and provide advice accordingly.

Power supply to the retail precinct on Home Island. This has been going on for 2 years – IOTPS were upgrading the lines, then not, then seeking more information etc. Now the people we were dealing with has left so back to square one – DTRICA to look into this matter and advise accordingly as a matter of priority.

Civic Legal – on the Saturday 15 July 2023, Civic Legal (Anthony Quahe and Mel Fraser) carried out a community consultation process for the development of a suitable Shire Housing Policy on Home Island. The Saturday sessions were very well attended with approximately 100 adults attending the morning and afternoon sessions. Civic Legal and staff in attendance were extremely pleased with the “buy-in” by the community the outcomes achieved in terms of

points of view and historical understanding or lack thereof relating to a housing policy on Home Island. The next step coming from these sessions is the development of a community survey and then finally after that is complete a draft policy to bring to Council. It is anticipated that this will be ready for the September 2023 Ordinary meeting of Council.

On the morning of Monday 17 July 2023, Civic Legal (Anthony Quahe and Mel Fraser) met with the senior's group, which was very well attended. Discussion related to the historical and intellectual knowledge of the seniors with respect to housing policy and the 1991 Memorandum of Understanding relating to the achievement of mainland equivalent living standards and the levels of services on Cocos (Keeling) Islands, signed by Hon Bob Hawke the then Prime Minister of Australia and the Chairman of the Cocos (Keeling) Islands Council and Chairman of the Cocos Islands Co-Operative Society Limited (1991 MOU).

On the afternoon of Monday 17 July 2023, Civic Legal (Anthony Quahe and Mel Fraser) met with Cr Signa Knight, Parson Yapat, Cree Haig, and Haji Adam Rabuhu, behind closed doors to discuss their historical and intellectual knowledge of the housing policy and 1991 MOU and the intent of those documents and arrangements when introduced.

Costs involved in community consultation exercise – the following advice is from Civic Legal regarding the housing policy and community elder's interviews.

- (a) Current work-in-progress in preparation for community consultation exercise – approximately \$14,000 ex. GST.*
- (b) Attendance on islands 14 – 18 July 2023 for community consultation exercise - \$18,000 ex. GST (reduced from our original estimate of \$25,000 because of the in-depth preparatory work that we have had to scope, initiate and undertake). This cost also covers the interviews with the elders, although that is a separate advice project.*

Investigation of heritage

Recently, advice was received from the Commonwealth as follows: *“With regard to your question about the indigenous status of the Cocos Malay people, it has been a longstanding policy of successive Australian Governments that Aboriginal and Torres Strait Islander people are the indigenous people of Australia, due to their connection to the land since time immemorial and as the original inhabitants of the land prior to the arrival of other peoples. In the attached letter from November 2017, Senator Nigel Scullion, then Minister for Indigenous Affairs, wrote to the Shire of Cocos (Keeling) Islands, outlining that the Cocos Malay people do not fall under the definition of Aboriginal or Torres Strait Islander people. There has been no change since this time.”*

The subject of Indigenous heritage or not for the Cocos Malay people is a complex one that is open for interpretation. On the 13th of June 2023, in a meeting with the Federal Minister for Lingari, Marion Scrymgour MP the Shire President and Chief Executive Officer discussed the identity/heritage and lack of recognition by the Commonwealth of the Cocos Malay people. MP Scrymgour indicated she would support an investigation of the legalities of establishing an identity for the Cocos Malay people and that a Council resolution seeking support for her to do this is the way to start the process.

Policy and Legislative Implications

Council's housing policy community consultations to advance policy development.
Western Australia Electoral Commission regarding 2023 general and extraordinary elections for Cocos (Keeling) Shire.

Financial Implications

Civic Legal for community consultations as per report. Sandbagging at Twiss Memorial subject to funding.

Strategic Implications

Department of Defence leases over the Q station, at the proposed material offload facility site and the Sydney Highway site to be negotiated.

Voting Requirements

Simple

OFFICER RECOMMENDATION – ITEM NO 10.1.5

1. THAT COUNCIL, BY SIMPLE MAJORITY, NOTE AND RECEIVES THE CHIEF EXECUTIVE OFICER JUNE/JULY 2023 REPORT.
2. THAT COUNCIL RESOLVE TO SEEK THE SUPPORT OF MP MARION SCRYMGOUR TO INITIATE AN INVESTIGATION OF THE LEGALITIES OF ESTABLISHING SOVEREIGN/CULTURAL/NATIONAL IDENTITY FOR THE COCOS MALAY PEOPLE WHOSE HERITAGE IS ONLY KNOWN TO BE OF THE COCOS (KEELING) ISLANDS.

COUNCIL RESOLUTION – ITEM NO 10.1.5

MOVED CR YOUNG

SECONDED CR IKU

1. THAT COUNCIL, BY SIMPLE MAJORITY, NOTE AND RECEIVES THE CHIEF EXECUTIVE OFICER JUNE/JULY 2023 REPORT.
2. THAT COUNCIL RESOLVE TO SEEK THE SUPPORT OF MP MARION SCRYMGOUR TO INITIATE AN INVESTIGATION OF THE LEGALITIES OF ESTABLISHING SOVEREIGN/CULTURAL/NATIONAL IDENTITY FOR THE COCOS MALAY PEOPLE WHOSE HERITAGE IS ONLY KNOWN TO BE OF THE COCOS (KEELING) ISLANDS.

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

FOR: IKU, MINKOM, KNIGHT, LACY, YOUNG

AGAINST: NIL

10.1.6 COMMUNITY DEVELOPMENT SECTION UPDATE – JULY 2023

Report Information

Date: 3 July 2023
 Location: Cocos (Keeling) Islands
 Applicant: Community Development Coordinator
 File Ref: Community Development
 Disclosure of Interest: Nil
 Reporting Officer: Community Development Coordinator
 Island: Cocos (Keeling) Islands
 Attachments: Nil

Authority / Discretion

Definition

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

Report Purpose

To provide Council with an update of the programs and projects of the Community Development team for the months of June/July 2023.

Relevant Documents

Available for viewing at the meeting

Nil

Background

Sport Coaching

Alex Rumball from Australian Sailing WA provided T2 sailing coaching to children and adults during the school holidays. The coaching ran from the 3 to the 14 July from the Jukong & Sailing Club and Jalan Pantai foreshore. The participant statistics for the 9 days of coaching are as follows:

Day 1 = 3 children	Day 2 = 7 children	Day 3 = 15 children	Day 4 = 20 children	Day 5 = 20 children	Day 6 = 21 children	Day 7 = 24 children
Day 8 = 30 children	Day 9 = 24 children					

- Total number of adult(s) participants = three
- The basic sailing training included – boat recovery, rigging the T2 catamaran, rope skills and sailing (tacking, reaching, jibing and downwind)

Thank you to the following organisations that have made this program possible. The Jukong & Sailing Club for allowing the Shire to use the T2's. The Sport & Recreation IOT Coordinator through the Department of Local Government, Sport and Cultural Industries for funding the two-week program. Australia Sailing WA for the coaching and Volunteer Marine and Rescue for the safety boat.

July School Holiday Program

The Shire with assistance from community volunteers organised several exciting activities for the children over the semester school holidays. the participation levels are as follows:

- Basket weaving with the Seniors (3rd July) = 20 children and 16 adults
- Tennis (5 July) = 9 children
- Movie night (7 July) = 30 children
- Mini golf (11 July) = 6 children
- Indoor soccer (14 July) = 30 children
- Basketball (17 July) = 10 children
- Dance workshop (18 July) = 14 children

Thank you kindly to the volunteers that have assisted in running these activities during the school holidays for the children.

Oral History

Oral history provides a fuller, more accurate picture of the past by augmenting the information provided by public records, statistical data, photographs, maps, letters, diaries, and other historical materials.

Eyewitnesses to events contribute various viewpoints and perspectives that fill in the gaps in documented history, sometimes correcting or even contradicting the written record.

It is a valuable source of information to document the identity of a particular place and its inhabitants. Our community elders have had a long and often turbulent history which they endured but their stories have never been truly captured from their own perspective.

In collaboration with key stakeholders through the Service Delivery Arrangements the Shire would consider the collection of oral history a priority and display the stories through various forms e.g. The Atoll, interactive displays etc. The stories of our elders need to be shared with community. In continuing with the Emerging Curators Program was envisaged to capture more thorough guidance from an expert Oral Historian who visited the Islands recently and spent a day providing an overview of effectively conducting interviews for oral history. The collaboration from other key agencies will assist in addressing the funding of the oral history program in the near future.

Australian National Maritime Museum

The Shire recently submitted funding under the Maritime Museums of Australia Project Support Scheme (MMA PSS) in May. This project aims to preserve the last working plantation Jukongs in the Home Island Museum collection. The Shire has been awarded funds of \$8,700 plus in-kind contributions from ANMM for the project.

The main project objective is supporting the local community to restore the five jukongs. The knowledge and skills of the last two master boat builders on island (both in their senior years) to be handed down through active participation as volunteers to ensure this woodworking is engaging and rewarding as part of the Cocos Malays cultural identity.

In working closely with Tim Eastwood from the Western Australian Museum and the discussions we have had with the Australian National Museum grant officers; this project was conceived with the interest of addressing the gaps in reinvigorating the Cocos Malay cultural and heritage identity through Jukong restoration works. It is an added benefit for the young generation jukong racing club to be involved.

Comment

The community development programs are aligned with the following plans. Through feedback from several meetings with community groups and relevant key agencies such as Department of Local Government Sport and Cultural Industries, Youth Affairs Council of WA, Regional Arts WA, WA Museum to name a few direct contact and program development. The Community development section adheres to the following Shire Plans for guidance and direction.

The community development section engages the participants to provide feedback as to improve the delivery of its programs, content, logistics and volunteering levels.

Shire's Corporate Business Plan
Shire's Strategic Plan

Policy and Legislative Implications

Community Strategic Plan
3.1.2 -Protects the Islands environment
4.1.1 - To provide leadership to the community
2.1.3 - Maintain the cultural heritage

Corporate Business Plan

S2.1.2.3 - Develop and implement a volunteer support program to encourage, incentivise, acknowledge and thank our volunteers.

Financial Implications

Budget Variation for the additional \$8,700 for the Jukong Restoration Project under Heritage Programs.

Strategic Implications

Shire's Corporate Business Plan – ED 1.1.3.3

Shire's Strategic Plan – E 1.12

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	Cost of labour hours and use of plant and equipment increase	Moderate 6	Increase in budget allocation for the following financial year.
Health & Safety	Community activities and events.	Moderate 6	Risk assessment plan conducted prior to commencing events and activities
Reputation	Shire to take a leading role and setting high standards.	Low 3	Transparency and management of programs in accordance with Policies and Strategic direction.
Compliance	Programs undertaken by Shire to adhere to Work, Health & Safety Policy.	Low 3	Risk assessment, JSA and HR policies.
Property	Programs and events conducted on Shire owned property or land (where possible)	Low 3	Written permission and follow procedures when undertaken events on non-Shire property.
Environment	Adhere to Shire's Strategic Plan – environment.	Low 3	Consult with parks Australia North on environmental impacts.
Fraud	Compliance with Shire's Policy and Procedures.	Low 3	Void program and investigate cause.

Risk Matrix

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

Voting Requirements

Simple majority.

OFFICER RECOMMENDATION – ITEM NO 10.1.6

THAT COUNCIL, BY SIMPLE MAJORITY, NOTES AND RECEIVES THE COMMUNITY DEVELOPMENT COORDINATOR MONTHLY UPDATE FOR JULY 2023.

COUNCIL RESOLUTION – ITEM NO 10.1.6

MOVED CR LACY

SECONDED CR YOUNG

THAT COUNCIL, BY SIMPLE MAJORITY, NOTES AND RECEIVES THE COMMUNITY DEVELOPMENT COORDINATOR MONTHLY UPDATE FOR JULY 2023.

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

FOR: IKU, MINKOM, KNIGHT, LACY, YOUNG

AGAINST: NIL

10.2 MANAGER FINANCE AND CORPORATE SERVICES

10.2.1 SCHEDULE OF ACCOUNTS PAID FOR THE PERIOD JUNE 2023

Report Information

Date: 12 July 2023
 Location: Not applicable
 Applicant: Not Applicable
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Senior Finance Officer
 Island: Shire Wide
 Attachments: 10.2.1.1 - Schedule of Accounts paid

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 June 2023, as required by the *Local Government (Financial Management) Regulations 1996*.

Relevant Documents

Available for viewing at the meeting.

Nil

Background

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the Shire's Municipal and Trust funds. In accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996* a list of accounts paid is to be provided to Council, where such delegation is made.

Comment

The following table summarises the payments for the period by payment type, with further details of the accounts paid contained within Attachment 10.2.1.1.

Payment Type	Amount (\$)
EFT Payments #9860 to #9943	\$654,848.11
Direct Debit Payment	\$81,084.14
Cheque Payment 11709 to 11713	\$2,295.25
Total Payments	\$738,227.50

Contained within Attachment 10.2.1.1 is a detailed transaction listing of payments, including credit card expenditure as per the Summary table 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.
Reputation	The accounts paid report is open to public scrutiny.	Low (3)	Procedures in place to ensure all expenditure is justifiable.
Compliance	The report is to be presented to Council in order to comply with relevant legislation.	Low (3)	There are processes in place to ensure compliance with legislation.
Fraud	That the report is manipulated.	Low (3)	Interim and end of year audits along with sequence checks.

Risk Matrix

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

Conclusion

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

OFFICER RECOMMENDATION – ITEM NO 10.2.1

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 JUNE 2023 TOTALLING \$738,227.50 AS CONTAINED IN ATTACHMENT 10.2.1.1.
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD EXPENDITURE FOR THE PERIOD JUNE 2023, AS CONTAINED IN ATTACHMENT 10.2.1.1.

COUNCIL RESOLUTION – ITEM NO 10.2.1

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 JUNE 2023 TOTALLING \$738,227.50 AS CONTAINED IN ATTACHMENT 10.2.1.1.
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD EXPENDITURE FOR THE PERIOD JUNE 2023, AS CONTAINED IN ATTACHMENT 10.2.1.1.

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

FOR: IKU, MINKOM, KNIGHT, LACY, YOUNG

AGAINST: NIL

10.2.2 BUDGET VARIATIONS 2023/24

Report Information

Date: 20 July 2023
 Location: Not Applicable
 Applicant: Not Applicable
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Manager Finance & Corporate Services
 Island: Shire Wide
 Attachments: Nil

Authority / Discretion

Definition

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

Report Purpose

To amend the 2023/24 budget to reflect various adjustments to the General Ledger.

All items will have nil effect on the closing budgeted surplus and a balanced budget will be maintained.

Relevant Documents

Available for viewing at the meeting.

Nil

Background

Item 1: The Skid Steer Plant replacement was expected to be completed in 2022/23 and as such the expenditure had been deducted from the budgeted 2023/24 opening surplus. Whilst

the Skid Steer was delivered in June 2023, the broom attachment was not available in time to meet the shipping deadlines for 2022/23 and is expected to be delivered on the next ship in August. The broom attachment expenditure and shipping cost was forecast to be expended in 2022/23 but remains unspent as at 30 June 2023. As a result, the 'actual' 2023/24 opening surplus is higher than has been budgeted and the expenditure will be incurred in August 2023.

Item 2: The workers compensation insurance cost has come in higher than estimated due to the declaration of asbestos handling works related to building maintenance and the Retail centre refurbishment.

During a review it was also picked up that the Land trust audit expenditure was duplicated in the Land Trust account, the saving created from this duplication can be used to cover the increase in Workers Compensation insurance costs.

Item 3: As workshopped with Council on 19th July, and as presented in a separate CEO Agenda item, the Shire is due to enter into a domain agreement resulting in the receipt of .cc income. It is proposed that this income be restricted to funding Shire IT & Communications capital and operating expenditure as well as Community wide improvements to communications infrastructure / projects.

Allocating .cc income to fund Shire ICT costs leaves a surplus of \$533,500 municipal funding that was previously allocated to funding those costs.

The budget assumed a new round of Economic Stimulus funding would be available in 2023/24 and had allocated the funding to finishing off the Retail Centre capital works. We have since been notified that this funding is no longer available. It is proposed that some of the surplus created by the ICT costs is used to cover the shortfall of this grant (\$300,000).

It is proposed that the remaining surplus (\$233,500) is transferred to a new Infrastructure Reserve, with the anticipated use being to fund future West Island roads capital works, hopefully enabling the Shire to leverage available plant and expertise available on island post the Commonwealth runway project.

Comment

Item 1: It is proposed that the funds for this project are carried forward to the 2023/24 financial year with an increase to the opening surplus and corresponding capital expenditure as detailed below:

Item	Description	Current Budget	Increase/ Decrease	Revised Budget
1	Capital Expenditure – Skid Steer attachment	0	(\$8,200)	(\$8,200)
	Brought forward surplus	\$701,971	\$8,200	\$710,171

Item 2: It is proposed that the higher than estimated workers compensation costs are covered by a correction to the Land Trust audit fees

Item	Description	Current Budget	Increase/Decrease	Revised Budget
2	Operating Expenditure – workers compensation insurance	(\$62,321)	(\$10,136)	(\$72,457)
	1979 Land Trust – Auditor Remuneration	(\$22,000)	\$10,136	(\$11,864)
	Interfund Transfer (Muni)	(\$828,589)	\$10,136	(\$818,453)
	Interfund Transfer (1979 Land Trust)	\$650,413	(\$10,136)	\$640,277

Item 3: It is proposed that the new .cc revenue is allocated to a new Reserve with use of funds restricted to funding Shire ICT operating & capital costs and island wide improvements to communications. The surplus created from Municipal funds previously allocated to funding Shire ICT costs is to be allocated to funding the shortfall in Economic Stimulus grant funding and the balance reserved for future Shire Infrastructure projects.

As major capital roadworks on West Island require specific resources not currently available on island, the Shire hopes to leverage available plant and expertise available on island post the Commonwealth runway project. As a long term strategy it is proposed that a portion of funding for West Island roadworks is put aside each year so that all roads can be renewed as one major project every x years (in-line with an agreed asset management plan – currently under review). This will be addressed as part of the Long-Term Financial Plan to be presented to Council in the coming months.

Item	Description	Current Budget	Increase/Decrease	Revised Budget
3	ICT Income – Other Revenue (.cc income)	0	(1,578,600)	(1,578,600)
	Tfr to Reserve – IT & Comm Reserve	0	1,578,600	1,578,600
	Tfr from Reserve – IT & Comm Reserve	0	(533,500)	(533,500)
	Capital Grant – Economic Stimulus	(300,000)	300,000	0
	Tfr to Reserve – Infrastructure Reserve	0	233,500	233,500

Policy and Legislative Implications

The *Local Government Act 1995 (WA)(CKI)* Part 6 Division 4 s6.8(1) requires the local government not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –

(b) is authorised in advance by resolution*

“additional purpose” means a purpose for which no expenditure estimate is included in the local governments annual budget.

* Requires an absolute majority of Council

Strategic Implications

The proposed variations support the achievement of the following goals and outcomes detailed in the Strategic Community Plan or Corporate Business Plan.

Plan	Outcome	Goal
Corporate Business Plan 2022-2026	L2 to ensure that Shire resources are utilised in a manner that represents the best interest of the whole community	L2.1 Responsible financial management

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	That budget allocations are significantly exceeded.	Moderate (6)	Variances are monitored and highlighted to Council on a monthly basis for corrective action.
Reputation	The monthly financial statements are open to public scrutiny.	Low (3)	Procedures in place to ensure all expenditure is justifiable.
Compliance	Expenditure is incurred without Council approval	Low (3)	There are processes in place to ensure compliance with legislation.
Fraud	That the report is manipulated.	Low (3)	Interim and end of year audits.

Risk Matrix

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

Conclusion

That Council approve the budget variations as outlined in this report.

OFFICER RECOMMENDATION – ITEM NO 10.2.2

THAT COUNCIL:

1. BY ABSOLUTE MAJORITY, APPROVES THE REQUIRED BUDGET VARIATIONS TO THE CURRENT BUDGET FOR 2023/24 AS FOLLOWS:

Item	Description	Current Budget	Increase/ Decrease	Revised Budget
1	Capital Expenditure – Skid Steer attachment	0	(\$8,200)	(\$8,200)
	Brought forward surplus	\$701,971	\$8,200	\$710,171

2. BY ABSOLUTE MAJORITY, APPROVES THE REQUIRED BUDGET VARIATIONS TO THE CURRENT BUDGET FOR 2023/24 AS FOLLOWS:

Item	Description	Current Budget	Increase/ Decrease	Revised Budget
2	Operating Expenditure – workers compensation insurance	(\$62,321)	(\$10,136)	(\$72,457)
	1979 Land Trust – Auditor Remuneration	(\$22,000)	\$10,136	(\$11,864)
	Interfund Transfer (Muni)	(\$828,589)	\$10,136	(\$818,453)
	Interfund Transfer (1979 Land Trust)	\$650,413	(\$10,136)	\$640,277

3. BY ABSOLUTE MAJORITY, APPROVES THE REQUIRED BUDGET VARIATIONS TO THE CURRENT BUDGET FOR 2023/24 AS FOLLOWS:

Item	Description	Current Budget	Increase/ Decrease	Revised Budget
3	ICT Income – Other Revenue (.cc income)	0	(1,578,600)	(1,578,600)
	Tfr to Reserve – IT & Comm Reserve	0	1,578,600	1,578,600
	Tfr from Reserve – IT & Comm Reserve	0	(533,500)	(533,500)
	Capital Grant – Economic Stimulus	(300,000)	300,000	0
	Tfr to Reserve – Infrastructure Reserve	0	233,500	233,500

4. PURSUANT TO SECTION 6.11 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)*, CREATE A NEW RESERVE FUND CALLED 'IT AND COMMUNICATIONS RESERVE' WITH THE PURPOSE OF RESTRICTING .CC INCOME TO FUNDING SHIRE IT AND COMMUNICATIONS EXPENDITURE AND OTHER ISLAND WIDE COMMUNICATION/CONNECTIVITY IMPROVEMENT INITIATIVES.
5. PURSUANT TO SECTION 6.11 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)*, CREATE A NEW RESERVE FUND CALLED 'INFRASTRUCTURE RESERVE' WITH THE PURPOSE OF RESTRICTING FUNDS FOR USE TOWARDS SHIRE INFRASTRUCTURE PROJECTS.

COUNCIL RESOLUTION – ITEM NO 10.2.2
MOVED CR IKU
SECONDED CR LACY
THAT COUNCIL:

- 1. BY ABSOLUTE MAJORITY, APPROVES THE REQUIRED BUDGET VARIATIONS TO THE CURRENT BUDGET FOR 2023/24 AS FOLLOWS:**

Item	Description	Current Budget	Increase/ Decrease	Revised Budget
1	Capital Expenditure – Skid Steer attachment	0	(\$8,200)	(\$8,200)
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	Capital Grant – Economic Stimulus	(300,000)	300,000	0
	Tfr to Reserve – Infrastructure Reserve	0	233,500	233,500

- 4. PURSUANT TO SECTION 6.11 OF THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI), CREATE A NEW RESERVE FUND CALLED ‘IT AND COMMUNICATIONS RESERVE’ WITH THE PURPOSE OF RESTRICTING .CC INCOME TO FUNDING SHIRE IT AND COMMUNICATIONS EXPENDITURE AND OTHER ISLAND WIDE COMMUNICATION/CONNECTIVITY IMPROVEMENT INITIATIVES.**
- 5. PURSUANT TO SECTION 6.11 OF THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI), CREATE A NEW RESERVE FUND CALLED ‘INFRASTRUCTURE RESERVE’ WITH THE PURPOSE OF RESTRICTING FUNDS FOR USE TOWARDS SHIRE INFRASTRUCTURE PROJECTS.**

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

FOR: IKU, MINKOM, KNIGHT, LACY, YOUNG

AGAINST: NIL

10.3 MANAGER INFRASTRUCTURE

10.3.1 INFRASTRUCTURE REPORT

Report Information

Date: 26 July 2023
 Location: Cocos (Keeling) Islands
 Applicant:
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: Infrastructure Manager
 Island: Cocos (Keeling) Islands
 Attachments: Nil

Authority / Discretion

Definition

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

Report Purpose

The purpose of this report is to provide Council with an update on the status of key capital works projects and the operations of the infrastructure team over the reporting period.

Relevant Documents

Nil

Background

The Shire has an ambitious capital works program to deliver in 2023/2024 in addition to ongoing maintenance and private works projects.

This report is provided to outline known status progress on works, budget allocation, forecast and variant implications for the Council approved capital projects. Some of these projects are those that have been rolled over into this financial year's budgets. With these continuances we have seen some completions, positive advancement of works for some and unavoidable delays on others.

CAPITAL PROJECTS

Retail Precinct

Stage 2 of the retail precinct commenced in late October 2022 with significant progress made since then.

Footings and posts for the ramps on the east and west sides of the building have been installed.

Work on the internal and external cladding is continuing with completion anticipated by the end of July. Internal painting has commenced.

Renovations at Seafront have progressed, however significant delays with electrical and plumbing works will push completion till late October.

Installation of windows and doors is anticipated to commence early August.

Unfortunately, the current tenancies are unable to be occupied as we are still awaiting confirmation from the Indian Ocean Territories Power Service regarding the installation of the new master metering panel. This has placed a significant strain on existing small businesses and may jeopardise the tenancies moving forward.

The Chief Executive Officer has again raised with the First Secretary, Territories Division, Department of Infrastructure, Transport, Regional Development, Communications, and the Arts (DITRCA) and the Assistant Secretary to try and progress after 24 months of inaction.

The paving of Jalan Baru adjoining the retail precinct will commence towards the end of the year when the bulk of the building works are complete.

Road Works – Jalan Raya

Pavers have been delivered. The Works Supervisor has commenced planning for the commencement of works which are likely to start week 7 August 23.

Studio Unit

Christmas Island Maintenance Services (CIMS) has been engaged to undertake the project of installing the studio unit on LOT198 Jalan Edit, Home Island. Preliminary works have commenced with the installation of footings on the allotment.

CIMS are now awaiting the transport of the unit from West Island. In addition to numerous verbal requests, written requests have been made to the Cocos Cooperative on 22/6, 23/6, 9/9, 31/10 in 2022 and 13/1, 3/3, 24/3, 9/5, 10/5, 18/7 2023. It is hoped with a truck now on Home Island this can be achieved when unloading of the current ship is complete.

Allocated budget for this project is \$32,500. With connection to services excluded from the current contract, it is likely that the budget will be exceeded by up to \$5,000.

Once onsite, completion within 3 weeks is anticipated. This project has been carried forward from 22/23.

Container Park Footings

The design of the footings has commenced, and a quote sought for the relevant fittings. It is anticipated that materials will be ordered in August.

Home Island Transfer Station Fencing

A purchase order has been issued to the Cocos Cooperative for the supply and installation of fencing for the Home Island Transfer Station. Works are expected to commence at the end of September for completion at the end of October.

Kampong Housing Renewal

The budget allocated for this project is \$344,000 to renew kitchens, windows and roofing at identified Shire rental properties. Property inspections have been completed and staff are working with the Leasing Team to prioritisation which properties will receive the renewals. Once we determine which properties will be affected, we will work with occupiers to formalise scheduling of the works.

Quotes have been received for supply of kitchen cabinetry however a review of the design is currently being undertaken.

Works will be undertaken by building maintenance staff and casuals under the direction of the Senior Building Officer.

Plant Replacement Program

In this financial year Council accepted and approved allocation of an extensive plant replacement program.

An RFQ has been issued through WALGA Vendor Panel for the supply of a wheeled loader to replace the unit on Home Island. Tenders close on the 24 July 23 at which time an evaluation will be undertaken and presented to Council at its August meeting.

An RFQ has also been issued for the supply of a utility vehicle to replace the maintenance ute on West Island. Quotes closed on 20 July 23.

Delivery of light vehicles (ordered in 22/23) to Zentners is expected in late July.

Sandbag Wall Maintenance and Construction

Significant damage occurred to both the Southend Road and the sandbag wall near Twiss Memorial during the storm surge in early July. The Shire has reinstated the walls and patched the road where possible.

A quote to extend and repair this wall was provided to the Department of Infrastructure, Transport, Regional Development, Communications, and the Arts (DITRCA) in August 2022. The Chief Executive Office has discussed this with the First Secretary, Territories Division, Department of Infrastructure, Transport, Regional Development, Communications, and the Arts (DITRCA) and the Assistant Secretary.

A Contract has also been entered into with the Commonwealth for the supply of additional sandbags to have 'in stock' for future maintenance works. These are planned for delivery to Perth before the end of June.

OPERATIONAL WORKS

As a result of the revised ferry schedule in early August, the Shire will only have minimal presence on West Island. This will be for essential services such as waste management. Similarly, in addition to the ferry not running and staff leave, servicing of infrastructure on Direction Island will be limited in August.

Maintenance

Painting of the eaves and fascia of the two bungalows has been completed.

A shattered window at the retail precinct has been boarded up and a replacement piece of glass has been ordered.

Road Maintenance

Maintenance grading of the roads on West Island has been undertaken. Filling of potholes on the Sydney Highway and road shoulders is complete. Replacement and removal of signage consistent with the Main Roads Audit 2019 has commenced on both islands.

Verge Trimming/Tree Management

Trimming of roadside vegetation is continuing on the Sydney Highway.

The elevated work platform is on Home Island and undertaking pruning near the Shire Office, Shamrocks, Clinic, Jukong Shed, Hardware Store and de-nutting of coconuts where required.

Waste Management

Off Island Disposal

- Another container of Asbestos to go out on next ship.
- Following successful acceptance and recycling of a container of batteries, the Shires container is returning on next ship to be reloaded with batteries to be removed from Island for recycling.
- Old Home Island Rubbish truck has been returned to Perth, issues with import permit application and difficulty dealing with the Department of Infrastructure, Transport, Regional Development, Communications, and the Arts (DITRCA) who administers ROVER are causing delays in receiver been able to collect. Will hopefully have this sorted in the next week.

Waste Education

- Bin stickers completed on Home Island with West Island receiving the extra stickers required to complete. This is having a positive impact with recycling of aluminium cans and glass.
- Signage has been ordered for both green waste sites. The aim of this is to have a strong visual impact of what can be disposed of at these sites.
- Signage has also been ordered for the Transfer stations to display the opening hours and also the new processes relating to fees and charges.

Fees and Charges

- Waste Fees and charges were adopted as part of the 23/24 budget.
- Development of a process to pay and receipt for waste has been undertaken. Fees must be paid in advance and receipt provided at the Transfer Station for acceptance of waste.
- Bin audits conducted on both Islands to ensure correct charging.

Comment

This report outlines the status of current projects that have commenced. Again, we have an ambitious capital works program in 2023 – 2024. With limited or no capacity to employ extra qualified trades staff and no project management staff there is some risk of project delays.

Policy and Legislative Implications

Nil

Financial Implications

Project finances are monitored to ensure wherever possible works are done within scope and set allocated budget. Should there be any unforeseen variances such as increase in freight and shipping these will identified earlier rather than later for each of the projects that are yet to commence.

Strategic Implications

Projects will continue to be delayed and not delivered on time if issues of staffing or external trades staff are resolved.

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	Projects exceed budget allocation	Moderate	Ensure projects are delivered in schedule time and finances are monitored.
Health & Safety	Staff do not comply with Work Health and Safety requirements	Moderate	Adequate training all for staff and constant monitoring by WHS Representatives, Supervisors and Managers that requirements are adhered to.
Reputation	Projects are not delivered and up to required standard	Moderate	Works are scheduled and project updates are provided accordingly
Service Interruption	Loss of key personnel to undertake project	Moderate	Ensure adequate staff is available for project delivery – limit number of projects to be delivered each FY
Compliance	Non-compliant with regulations and codes	Low	Ensure Supervisors and Managers have the necessary knowledge in standards, regulations and codes.
Property	Damage to property	Moderate	Ensure staff are aware of their surroundings and to avoid damage to property as necessary.
Environment	Damage to environment and surroundings	Moderate	Ensure minimal impact on environment at every means possible. Rehabilitation and replanting of area at the completion should it be impacted by project.

Risk Matrix

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

Voting Requirements

Simple majority.

OFFICER RECOMMENDATION – ITEM NO 10.3.1

THAT COUNCIL, BY SIMPLE MAJORITY, NOTE AND RECEIVE THE MANAGER INFRASTRUCTURE MONTHLY UPDATE FOR JULY 2023.

COUNCIL RESOLUTION – ITEM NO 10.3.1

MOVED CR IKU

SECONDED CR YOUNG

THAT COUNCIL, BY SIMPLE MAJORITY, NOTE AND RECEIVE THE MANAGER INFRASTRUCTURE MONTHLY UPDATE FOR JULY 2023.

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

FOR: IKU, MINKOM, KNIGHT, LACY, YOUNG

AGAINST: NIL

11. MINUTES TO BE RECEIVED

11.1 MINUTES FROM AUDIT AND GOVERNANCE COMMITTEE MEETING TO BE RECEIVED

Report Information

Date: 21 July 2023
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Location: N/A
 Disclosure of Interest: Nil
 Reporting Officer: Manager Governance, Risk and Planning
 Island: Shire Wide
 Attachments: 11.1.1 - Audit and Governance Committee Meeting Minutes
 21 June 2023 (Unconfirmed)

Authority / Discretion

Definition

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

Summary

The report formally presents the confirmed and unconfirmed minutes of Audit and Governance Committee of Council from the previous meeting.

Background

The Shire has established the Audit and Governance Committee as a Committee of Council. The Audit and Governance Committee does not have any delegated authority; therefore, any recommendations requiring a Council decision that result from this Committee meeting must be brought before Council. This will be done via agenda items to Council.

Comment

The attached minutes is the unconfirmed minutes of the meeting of Audit and Governance Committee of Council held on the 21 June 2023.

Consultation

N/A

Financial Implications

The Officer's recommendation for Council to receive the minutes of Committee meetings carries no financial commitment for Council. Should any recommendation require a financial commitment or have any implication outside the CEO's delegated authority, the matter will be referred to Council as a specific agenda item.

Risk Implications

Nil

Policy Implications

Nil

Statutory Implications

Administration regulation 11 sets out the content that the minutes of council or committee meetings must contain, including:

- the names of members present at the meeting;
- details of each motion moved, the mover and the outcome of the motion;
- details of each decision made at the meeting; and
 - written reasons for each decision made at a meeting that is significantly different from the committee's or council employee's recommendation.

Section 5.22(2) and (3) of the Act requires that the minutes of a council or committee meeting are to go to the next meeting of the council or committee for confirmation and signing by the person presiding to certify the confirmation.

Strategic Implications

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

Objective L1: To be involved, respectful and inclusive and to facilitate diversity and representation within the decision-making process.

Voting Requirements

Simple majority

Conclusion

That the minutes of the Audit and Governance Committee meeting held on the 21 June 2023 be received.

OFFICER RECOMMENDATION – ITEM NO 11.1

THAT COUNCIL, BY SIMPLE MAJORITY PURSUANT TO *SECTION 3.18 OF THE LOCAL GOVERNMENT ACT 1995* RESOLVES TO RECEIVE THE MINUTES OF THE AUDIT AND GOVERNANCE COMMITTEE MEETING HELD ON 21 JUNE 2023.

COUNCIL RESOLUTION – ITEM NO 11.1

MOVED CR LACY

SECONDED CR IKU

THAT COUNCIL, BY SIMPLE MAJORITY PURSUANT TO *SECTION 3.18 OF THE LOCAL GOVERNMENT ACT 1995* RESOLVES TO RECEIVE THE MINUTES OF THE AUDIT AND GOVERNANCE COMMITTEE MEETING HELD ON 21 JUNE 2023.

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

FOR: IKU, MINKOM, KNIGHT, LACY, YOUNG

AGAINST: NIL

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

Nil

13. MOTIONS WITHOUT NOTICE WITH LEAVE OF COUNCIL

Nil

14. MATTERS BEHIND CLOSED DOOR

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

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

The Public left the gallery at 4.34pm.

PROCEDURAL MOTION

MOVED CR LACY

SECONDED YOUNG

THAT COUNCIL BY SIMPLE MAJORITY RESOLVES TO MOVE BEHIND CLOSED DOORS AT 4.35PM IN ACCORDANCE WITH SECTION 5.23(2) OF THE LOCAL GOVERNMENT ACT 1995 AND SECTION 5.2(1) OF THE SHIRE OF COCOS (KEELING) ISLANDS MEETING PROCEDURES LOCAL LAW THAT THE FOLLOWING REPORTS ARE CONFIDENTIAL AS THEY CONTAIN INFORMATION RELATING TO A MATTER THAT IF DISCLOSED WOULD REVEAL INFORMATION A MATTER AFFECTING AN EMPLOYEE OR EMPLOYEES.

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

FOR: IKU, KNIGHT, LACY, MINKOM, YOUNG

AGAINST: NIL

COUNCIL RESOLUTION

MOVED CR YOUNG

SECONDED CR LACY

THAT COUNCIL SUSPEND STANDING ORDERS, THE TIME BEING 4.35PM.

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

FOR: IKU, KNIGHT, LACY, MINKOM, YOUNG

AGAINST: NIL

COUNCIL RESOLUTION

MOVED CR LACY

SECONDED CR YOUNG

THAT COUNCIL RESUME STANDING ORDERS, THE TIME BEING 4.51PM.

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

FOR: IKU, KNIGHT, LACY, MINKOM, YOUNG

AGAINST: NIL

14.1 .CC TOP LEVEL DOMAIN

Report Information

Date: 11 July 2023
 Location: Cocos (Keeling) Islands
 Applicant: Chief Executive Officer
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: Shire wide
 Attachments: Circulated under separate cover

Authority / Discretion

Definition

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

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

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

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

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

OFFICER RECOMMENDATION– ITEM NO 14.1

As per the Confidential item.

COUNCIL RESOLUTION – ITEM NO 14.1

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

FOR: IKU, MINKOM, KNIGHT, LACY, YOUNG

AGAINST: NIL

This item remains confidential as it contains information relating to a matter that if disclosed would reveal information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government.

15. MATTERS RELATING TO THE LAND TRUSTS



MATTERS RELATING TO THE LAND TRUST 1979 AND LAND TRUST 1984

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

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

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

15.1 TRUSTS ADMINISTRATION

Cr Lacy declared an interest on Item No 15.1.1. He is the applicant. Cr Lacy also declared an interest on Item 16.1. His wife is an employee of one of the applicants and left the meeting room on 4:58pm.

COUNCIL RESOLUTION

MOVED CR YOUNG

SECONDED CR IKU

THAT COUNCIL SUSPEND STANDING ORDERS, THE TIME BEING 4.58PM.

THE MOTION WAS PUT AND DECLARED CARRIED (4/0)

FOR: IKU, KNIGHT, MINKOM, YOUNG

AGAINST: NIL

COUNCIL RESOLUTION

MOVED CR YOUNG

SECONDED CR IKU

THAT COUNCIL RESUME STANDING ORDERS, THE TIME BEING 5.14PM.

THE MOTION WAS PUT AND DECLARED CARRIED (4/0)

FOR: IKU, KNIGHT, MINKOM, YOUNG

AGAINST: NIL

15.1.1 PROPOSED CARETAKERS RESIDENCE - LOT 220 MAHOON ROAD, WEST ISLAND

Report Information

Date: 18 July 2023
Location: Lot 220 Mahoon Road, West Island
Applicant: Cocos Artisans Collective Pty Ltd
File Ref: Nil
Disclosure of Interest: Nil
Reporting Officer: Chief Executive Officer
Island: West Island
Attachments: Circulated under separate cover

Authority / Discretion

Definition

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

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

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

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

OFFICER RECOMMENDATION – ITEM NO 15.1.1

As per the Confidential item.

COUNCIL RESOLUTION – ITEM NO 15.1.1

MOVED CR KNIGHT

SECONDED CR IKU

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE SHIRE OF COCOS (KEELING) ISLANDS LOCAL PLANNING SCHEME NO.1, RESOLVES TO GRANT DEVELOPMENT APPROVAL TO COCOS ARTISANS COLLECTIVE PTY LTD FOR A CARETAKERS DWELLING AT LOT 220 MAHOON ROAD, WEST ISLAND SUBJECT TO THE FOLLOWING CONDITIONS AND ADVICE NOTES:

- 1. DEVELOPMENT MAY BE CARRIED OUT ONLY IN ACCORDANCE WITH THE DETAILS OF THE APPLICATION AS APPROVED HEREIN AND ANY APPROVED PLAN.**
- 2. ANY ADDITIONAL DEVELOPMENT WHICH IS NOT IN ACCORDANCE WITH THE APPLICATION THE SUBJECT OF THIS APPROVAL OR ANY CONDITION OF APPROVAL WILL**

REQUIRE THE FURTHER APPROVAL OF THE SHIRE OF COCOS (KEELING) ISLANDS.

3. THE TOTAL HABITABLE FLOOR AREA OF THE CARETAKER'S DWELLING, MEASURED FROM THE EXTERNAL FACE OF WALLS, SHALL BE LIMITED TO A MAXIMUM PLOT RATIO AREA OF 100 SQUARE METRES OF HABITABLE SPACE AS DEFINED IN THE R CODES. (IX) INCIDENTAL RESIDENTIAL DEVELOPMENT SUCH AS CARPORTS, OPEN VERANDAS AND THE LIKE WILL BE PERMITTED ON THE BASIS THAT THE TOTAL AREA OF THE LOT SET ASIDE FOR RESIDENTIAL PURPOSES (INCLUDING THE CARETAKER'S DWELLING, GARDENS, OUTBUILDINGS AND THE LIKE) DOES NOT EXCEED AN AREA OF 200 SQUARE METRES.
4. THE DWELLING WILL BE IN A SIMPLE TROPICAL CONSTRUCTION DESIGN TO THE SATISFACTION OF THE SHIRE CEO.
5. A 10,000 LITRE WATER TANK COLLECTING WATER FROM THE DWELLING ROOF IS TO BE PROVIDED. BACKUP WATER VIA BORES ON THE LOT ARE TO BE PROVIDED IN THE EVENT THAT THE WATER TANK HAS INSUFFICIENT WATER TO MEET HEALTH GROUNDS.
6. GREY WATER IS TO BE DISPOSED OF INTO LEACH DRAIN MK2 FROM FILTEX INNOVATIVE WASTEWATER.
7. AN 'OFF GRID' ENERGY SOLUTION WITH NO IMPACT ON THE EXISTING POWER SUPPLY BY IOTPS. A COMBINATION OF SOLAR AND WIND FARM TECHNOLOGY SHALL BE INSTALLED AS DETAILED IN THE APPLICANT'S SUBMISSION. MAINS POWER MAY BE CONNECTED TO THE CARETAKERS DWELLING IF IT BECOMES VIABLE AT A FUTURE DATE.
8. A COMPOSTABLE TOILET SYSTEM SIMILAR TO THAT OF THE BIG BARGE ART GALLERY AND SHIRE FACILITIES AT SCOUT PARK SHALL BE INSTALLED.
9. THE CARETAKER'S DWELLING MAY ONLY BE OCCUPIED BY THE OWNER/OPERATOR.

ADVICE NOTES:

- A. THIS IS A DEVELOPMENT APPROVAL OF THE SHIRE OF COCOS (KEELING) ISLANDS UNDER ITS LOCAL PLANNING SCHEME NO.1. IT IS NOT AN APPROVAL TO COMMENCE OR CARRY OUT DEVELOPMENT UNDER ANY OTHER LAW. IT IS THE RESPONSIBILITY OF THE APPLICANT/LANDOWNER TO OBTAIN ANY OTHER NECESSARY APPROVALS, CONSENTS, PERMITS (INCL. BUILDING PERMITS), LEASES, AND LICENSES REQUIRED UNDER ANY OTHER LAW, AND TO COMMENCE AND CARRY OUT DEVELOPMENT IN ACCORDANCE WITH ALL RELEVANT LAWS.
- B. IF THE DEVELOPMENT THE SUBJECT OF THIS APPROVAL IS NOT SUBSTANTIALLY COMMENCED WITHIN A PERIOD OF TWO (2) YEARS, THE APPROVAL SHALL LAPSE AND BE OF NO FURTHER EFFECT.
- C. WHERE AN APPROVAL HAS SO LAPSED, NO DEVELOPMENT SHALL BE CARRIED OUT WITHOUT THE FURTHER APPROVAL OF THE LOCAL GOVERNMENT HAVING FIRST BEEN SOUGHT AND OBTAINED.
- D. SHOULD THE APPLICANT BE AGGRIEVED BY THE DECISION (IN PART OR WHOLE) THERE IS A RIGHT PURSUANT TO THE PLANNING AND DEVELOPMENT ACT 2005 TO HAVE THE DECISION REVIEWED BY THE STATE ADMINISTRATIVE TRIBUNAL. SUCH AN APPLICATION MUST BE LODGED WITHIN TWENTY-EIGHT (28) DAYS FROM THE DATE OF THE DECISION.

THE MOTION WAS PUT AND DECLARED CARRIED (4/0)

FOR: IKU, MINKOM, KNIGHT, YOUNG

AGAINST: NIL

Cr Lacy returned to the meeting room on 5.15pm.

15.2 TRUSTS LEASES

Nil

15.3 TRUSTS FINANCE

Nil

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

16.1 CONFIDENTIAL - APPLICATION FOR NEW LEASE PART LOT 24 WEST ISLAND, LIGHT INDUSTRIAL AREA SHED 2

Report Information

Date: 31 July 2023
 Location: Part Lot 24 West Island LIA Shed 2
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Chief Executive Officer
 Island: West Island
 Attachments: Nil

Authority / Discretion

Definition

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

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

OFFICER RECOMMENDATION – ITEM NO 16.1

As per the Confidential item.

COUNCIL RESOLUTION – ITEM NO 16.1

MOVED CR LACY

SECONDED CR YOUNG

THAT COUNCIL ACTING IN ITS CAPACITY AS TRUSTEE OF THE 1979 LAND TRUST DEED, BY SIMPLE MAJORITY, PURSUANT TO SECTION 3.58 OF THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI) RESOLVES:

- 1. TO GIVE LOCAL PUBLIC NOTICE OF THE INTENT (INCLUDING INVITING PUBLIC SUBMISSIONS) TO DISPOSE BY WAY OF LEASE FOR PART LOT 24 WEST ISLAND LIA SHED 2 TO JR DRAFTING ON THE CONDITON THAT; -**
 - a. THE LEASE FEE BE SET AS PER THE RECOMMENDED VALUATION BY AN INDEPENDENT VALUER PER ANNUM. THE ANNUAL LEASE FEE IS SUBJECT TO AN ANNUAL CPI REVIEWS AND A ONE-OFF LEASE PREPARATION FEE OF \$257;**
 - b. THE LEASE TERM BEING 5 YEARS WITH A 5 YEAR OPTION;**
 - c. THAT THE PROSPECTIVE LESSEE IS ADVISED THAT THEY WILL BE RESPONSIBLE FOR ALL MAINTENANCE OF THE BUILDING PER THE LEASE CONDITIONS;**
- 2. THE PURPOSE OF THE LEASE IS TO UTILISE THE SPACE AS A WORKSHOP/BOAT STORAGE AREA;**
- 3. THAT SHOULD NO OBJECTIONS BE RECEIVED DURING THE PUBLIC NOTICE PERIOD; THE CHIEF EXECUTIVE OFFICER IS AUTHORISED TO ENTER INTO THE LEASE AS PER THE SHIRE’S NEW COMMERCIAL LEASE TEMPLATE AND WITH THE CONDITIONS AS OUTLINED ABOVE;**
- 4. THAT IF OBJECTIONS ARE RECEIVED, TO CONSIDER ALL PUBLIC SUBMISSIONS AT THE FIRST ORDINARY MEETING OF COUNCIL FOLLOWING THE CLOSE OF THE PUBLIC SUBMISSION PERIOD;**
- 5. THAT REGULAR INSPECTIONS OF COMMERCIAL TENANCY BE UNDERTAKEN;**
- 6. THE APPLICANT HAVE NO CURRENT DEBT WITH THE SHIRE AND IF SO THAT ALL DEBT ARE CLEARED PRIOR TO ENTERING INTO A NEW LEASE; AND**
- 7. THE SHIRE PRESIDENT AND OR CHIEF EXECUTIVE OFFICER TO SIGN AND AFFIX THE SHIRE OF COCOS (KEELING) ISLAND COMMON SEAL TO THE NEW LEASE AGREEMENT DOCUMENT.**

PROCEDURAL MOTION

MOVED CR IKU

SECONDED CR YOUNG

THAT COUNCIL BY SIMPLE MAJORITY RESOLVES TO GET OUT OF CLOSED DOORS AT 5.19PM IN ACCORDANCE WITH SECTION 5.23(2) OF THE *LOCAL GOVERNMENT ACT 1995* AND SECTION 5.2(1) OF THE SHIRE OF COCOS (KEELING) ISLANDS MEETING PROCEDURES LOCAL LAW.

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

FOR: IKU, KNIGHT, LACY, MINKOM, YOUNG

AGAINST: NIL

17. CLOSURE

The Presiding member declared the meeting closed at 5:19pm.

These minutes were confirmed at a meeting on

SIGNED this

day of

2023

as a true record of proceedings.

PRESIDING MEMBER