

Shire of Cocos (Keeling) Islands

Shire of Cocos (Keeling) Islands

Minutes

Ordinary Meeting of Council

Wednesday 29 November 2023, 4:00pm

Council Chamber, Shire Administration Building

Lot 256 Jalan Bunga Melati, Home Island

Disclaimer

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

OUR VALUES

Service

Provide the best service we can.

We serve the community and each other.

Accountability

We take responsibility for our own actions.

We do what we say we will do.

Mistakes are an opportunity to learn.

Support

We support our team and our community.

Look for opportunities to help each other.

Respect

We respect and value others.

Our interactions are always respectful towards others.

Integrity

We will be honest and transparent with all our dealings.

Maintain confidentiality.

Trust each other.

Achievement

Being proactive and enabling the outcomes.

Be creative and think outside the square.

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1. OPENING/ANNOUNCEMENTS OF VISITORS

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

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

President: Cr A Minkom

Deputy President: Cr I Minkom

Councillors: Cr Badlu
Cr Knight
Cr Sloan
Cr T Lacy
Cr Young

Officers: Frank Mills, Chief Executive Officer
Vikki Lauritsen, Manager Finance and Corporate Services
Martin Faulkner, Manager Infrastructure
Ibrahim Macrae, Manager Governance, Risk and Planning
Adim Hajat, Community Development Coordinator
Suzie Bulka, Leasing and Policy Development Officer

Guests: Mr Haji Zaitol Wallie, Justice of the Peace

Public: 1

Visitors: Nil

Apologies: Nil

Approved Leave of Absence: Nil

2.1 SWEARING IN OF NEW COUNCILLOR

The Presiding member introduced Mr Zaitol Wallie, Justice of the Peace, to conduct the swearing in of Councillor-elect Mr Badlu including the Declarations pursuant to S.2.29 of the *Local Government Act 1995 (WA)(CKI)*. It was noted that Mr A Badlu was an apology at the Special Meeting Council held on the 25 October 2023 and as such he was sworn in at today's meeting.

Mr Badlu took the declaration and was declared into office as a Councillor for a four-year term (expiring 16 October 2027).

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

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

Question 1: When is the Shire going to fix the disability toilets door handle and step complaint on Home Island?

Response: CEO – Works have been undertaken to ensure the disabled toilets at the Home Island CRC are compliant.

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: Is it possible for the Shire to apply for a solar light to be installed at the South End boat ramp through our boat registration? It's hard to see coming in at night from South Island.

Response: Manager Infrastructure - The existing light has been removed and we are investigating whether it can be fixed. If it cannot be repaired, we will purchase a new light within the existing boat ramp maintenance budget.

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 Lacy formally requested a leave of absence for the period from 5 December 2023 to 18 December 2023.

COUNCIL RESOLUTION – ITEM NO 5.2

MOVED CR I MINKOM

SECONDED CR KNIGHT

THE COUNCIL, APPROVED CR LACY'S LEAVE REQUEST FOR THE PERIOD FROM 5 DECEMBER 2023 TO 18 DECEMBER 2023.

THE MOTION WAS PUT AND DECLARED CARRIED (7/0)

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

AGAINST: NIL

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING(S)

7.1 Ordinary Council Meeting held on 4 October 2023 - Attachment 7.1

7.2 Special Council Meeting held on 25 October 2023 – Attachment 7.2

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 4 OCTOBER 2023 AS PRESENTED IN ATTACHMENT 7.1 AND MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 25 OCTOBER 2023 AS PRESENTED IN ATTACHMENT 7.2 BE CONFIRMED AS A TRUE AND CORRECT RECORD OF PROCEEDINGS.

COUNCIL RESOLUTION -ITEM NO 7

MOVED CR KNIGHT

SECONDED CR SLOAN

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 4 OCTOBER 2023 AS PRESENTED IN ATTACHMENT 7.1 AND MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 25 OCTOBER 2023 AS PRESENTED IN ATTACHMENT 7.2 BE CONFIRMED AS A TRUE AND CORRECT RECORD OF PROCEEDINGS, SUBJECT TO THE AMENDMENT THAT CR YOUNG'S ABSENCE ON THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 4 OCTOBER 2023 BE RECORDED AS APPROVED LEAVE OF ABSENCE.

THE MOTION WAS PUT AND DECLARED CARRIED (7/0)

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

10. REPORT FROM COMMITTEES AND OFFICERS

10.1 CHIEF EXECUTIVE OFFICER

10.1.1 CEO REPORT OCTOBER 2023

Report Information

Date: 18 October 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 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 of the actions of the Chief Executive Officer for the September/October 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.

Ms Marion Scrymgour MP - Member for Lingiari – attended a Team's meeting with the Federal Member for Lingiari, Marion Scrymgour to discuss:

- Her planning to visit the Cocos (Keeling) Islands with a possibility of Minister Plibersek accompanying her,
- The proposal for a United Nations delegation to visit the Cocos (Keeling) Islands to coincide with the 40th anniversary of Act of Self Determination Day,
- Rising Sea levels and continued denial of the Commonwealth Government to fund mitigation works,
- Cocos Malay identity and legislation to support land tenure of the Cocos (Keeling) Islands,
- Legacy Waste and the opportunity for the runway project to support removal of waste from the land as opposed to Commonwealth waste in the lagoon on West Island,
- Boat ramp funding, and
- The development of a communications strategy for the Cocos (Keeling) Islands.

Further discussion will be held with the member for Lingiari when she is in Canberra in the second half of October 2023, to progress the matters above.

Australian Space Agency – attended a Teams meeting arranged by the Australian Space Agency, Steve Campbell, to discuss the “Gaganyaan” Indian Space Program and tracking facilities on Cocos (Keeling) Islands. The meeting was attended by a myriad of Australian Commonwealth and State Agencies and minutes from the meeting will be tabled to Council when they become available.

Gaganyaan will see India as the fourth country to launch a manned space flight. It is anticipated that the flight will occur in mid-2024 and the Q Station on West Island will house Indian Space Research Organisation scientists who will monitor and track the flight.

Gaganyaan – the project envisages demonstration of human spaceflight capability by launching crew of 3 members to an orbit of 400 km for a 3-day mission and bring them back safely to earth, by landing in Indian sea waters.

The project is accomplished through an optimal strategy by considering inhouse expertise, experience of Indian industry, intellectual capabilities of Indian academia & research institutions along with cutting edge technologies available with international agencies. The pre-requisites for Gaganyaan mission include development of many critical technologies including human rated launch vehicle for carrying crew safely to space, Life Support System to provide an earth like environment to crew in space, crew emergency escape provision and evolving crew management aspects for training, recovery, and rehabilitation of crew.

Various precursor missions are planned for demonstrating the Technology Preparedness Levels before carrying out the actual Human Space Flight mission. These demonstrator missions include Integrated Air Drop Test (IADT), Pad Abort Test (PAT) and Test Vehicle (TV) flights. Safety and reliability of all systems will be proven in unmanned missions preceding manned mission.

Human rated LVM3 - HLVM3

LVM3 rocket - The well proven and reliable heavy lift launcher of ISRO, is identified as the launch vehicle for Gaganyaan mission. It consists of solid stage, liquid stage and cryogenic stage. All systems in LVM3 launch vehicle are re-configured to meet human rating requirements and christened Human Rated LVM3. HLVM3 will be capable of launching the Orbital Module to an intended Low Earth Orbit of 400 km.

HLVM3 consists of Crew Escape System (CES) powered by a set of quick acting, high burn rate solid motors which ensures that Crew Module along with crew is taken to a safe distance in case of any emergency either at launch pad or during ascent phase.



Orbital module - Orbital Module (OM) that will be Orbiting Earth comprises of Crew Module (CM) and Service Module (SM). OM is equipped with state-of-the-art avionics systems with adequate redundancy considering human safety.

CM is the habitable space with Earth like environment in space for the crew. It is of double walled construction consisting of pressurized metallic Inner Structure and unpressurised External Structure with Thermal Protection System (TPS). It houses the crew interfaces, human centric products, life support system, avionics and deceleration systems. It is also designed for re-entry to ensure safety of the crew during descent till touchdown.

SM will be used for providing necessary support to CM while in orbit. It is an unpressurized structure containing thermal system, propulsion system, power systems, avionics systems and deployment mechanisms.



Department of Planning, Lands and Heritage (DLPH) – meetings with Peter Wood, Principal Planner regarding the status of the Cocos (Keeling) Islands Coastal Hazard Risk Management and Adaptation Planning project (CHRMAP) relationship to the Shire’s land use planning decision-making.

A draft has now been complete and forwarded to the Commonwealth for review and comment and is expected that this will be done by mid-November 2023. The CHRMAP will then be referred to Department of Water and Environment Regulation (DWER) for review

once the Aust Govt's preliminary comments have been incorporated into the document. Allowing that DWER will then be part of the review process and the "Ground Water Strategy", and "Kampong Flood Mitigation Strategy" must be taken into consideration a final draft is not expected by the beginning of 2024.

Once a final draft is available this will be presented to Council and then taken to the community for comment prior to a final document being formalised.

Northern Australia Infrastructure Facility (NAIF) – met with Stephen Land, Chief Investment Officer and Matthew Derlagen, Stakeholder Relations from the Northern Infrastructure Facility along with Kim Forbes, Assistant Secretary, Indian Ocean Territories to discuss possible opportunities for the Shire to invest with NAIF.

NAIF is a development financier to infrastructure projects in the Northern Territory, Queensland, Western Australia, and the Australian Indian Ocean Territories. NAIF's mission is to be an innovative financing partner in the growth of northern Australia. A key focus of any financing is to drive public benefit, economic and population growth, and Indigenous involvement in northern Australia.

The scale of investment being funded by NAIF and the Shires capacity to develop proposals that would be suitable for NAIF funding is questionable. Further details can be found at <https://naif.gov.au/> or in the brochure tabled with this report.

Civic Legal – attended a meeting with Civic Legal, Anthony Quahe, Melanie Fraser and Elizabeth Iacusso to discuss ongoing matters relevant to the Cocos (Keeling) Shire. This included:

- Review of lease templates – on going subject to workshop with newly elected Council,
- Review of Shire housing policy - on going subject to workshop with newly elected Council,
- Clarification of MOU – subject to Shire search of archived documents,
- Review of Amplitel lease – subject to Shire instructions,
- Review of Land Tenure System – advice being prepared,
- Lease of Part Lot 24 Home Island – subject to Shire advice,
- Advice on transfer of Lot 190 Embden Walk – advice being prepared, and
- Payments for assignments of leases – advice being prepared.

Fisheries Management – attended meetings with Kendra Travaille of Sea Country Solutions to discuss the fisheries program, brochures and signage being produced and finalisation and signing of the COLLABORATION AGREEMENT for Cocos (Keeling) Islands Fisheries Management (2023-24).

Department of Water and Environment Regulation (DWER) – attended meetings with Tim Francis, government hydrologists and various members of DWER and other agencies to discuss:

- Water lenses and sludge burial on Home Island,
- Opportunities for the possible rollout of a container deposit scheme for the Cocos (Keeling) Islands,

- Opportunities for future funding for Waste Management, and
- Retrieval of a septic tank off the beach at the gun club, West Island.

Further details and report to be addressed by the Manager of Infrastructure in his November 2023 report to Council.

Persatuan Kebudayaan Pulu Kokos (PKPK) – conducted a meeting with members of PKPK to discuss the timing and arrangements for the 40th anniversary of the Act of Self Determination Day in 2024. The following was determined at the meeting:

- ASDD will be staged over the following dates from the 26 April to the 30 April 2024,
- 28th will be the Official Ceremony Day,
- 2 days will be set aside for UN and Ministers to meet with Council and the whole Cocos Malay community,
- Within 4 to 6 weeks a proposed Program of Events from PKPK along with budget allocation to be sent to the Shire Chief Executive Officer,
- Seek approval from the Administrator to have the ASDD Public Holiday on 29 April instead of 6 April,
- PKPK to decide what merchandise and the design for the 40th anniversary.

Fulton Hogan – met with Marcus Arnold and Nicky Williams of Fulton Hogan to discuss the current state of play regarding the runway upgrade program. Discussions centred around:

- Contractual details are still being finalised and once complete the program, will progress much faster. It is anticipated that the material off-load facility will commence construction in mid-2024 and take up to 12 months to complete.
- Traffic management plan and road usage to be discussed at a separate meeting including AECOM as the Project Managers and include West Australia, Department of Transport, Shire representative/s, Fulton Hogan and the Department of Defence,
- It is planned that throughout the runway upgrade there will be no interference with scheduled RPT or Medivac flights,
- A substantial amount of investigation and research has been conducted in conjunction with the Department of Agriculture and Food West Australia regarding biosecurity measures for the construction material being shipped to Cocos (Keeling) Islands for the runway Upgrade,
- Other discussions regarding legacy waste and camp demobilisation are to be raised with the Minister for Defence and the Department of Infrastructure, Transport, Regional Development, Communications, and the Arts,
- Anticipated that community consultations will commence towards the end of December 2023 or early 2024 to provide information to the community on the status of the Program, and
- Upcoming meeting with AECOM.

AECOM – attended a Team’s meeting with representatives from AECOM, Edward Sennek, Lance Van Drunick, Fulton Hogan, Nicky Williams, and West Australia Department of Transport, Kellie Keable, and Albert Wong to discuss the current state of play regarding a transport management plan for Sydney Highway during the runway upgrade project.

The focus of the meeting was the proposal put forward by AECOM/Fulton Hogan for the duration of the project, that would see a series of pullover bays constructed every 400 metres along the length of Sydney Highway. The design was for these bays to be constructed on both sides of Sydney Highway for north and south bound trucks. The intent of the pullover bays is for trucks to move off the pavement of Sydney Highway and stop, to allow free passage to other road users.

The traffic management plan as proposed was determined by the Shire Infrastructure Manager and Chief Executive Officer as well as Main Road West Australia staff including Kellie Keable. An alternative plan that included widening Sydney Highway to a minimum of 6.2 metres with shoulders up to 1.5 metres wide was proposed by the Shire Chief Executive Officer and supported by WA Transport.

It was highlighted by AECOM and Fulton Hogan that this traffic management plan had been several years in the making and no objection had been put forward by the Shire by previous administration. The meeting concluded with AECOM and Fulton Hogan agreeing to review the traffic management plan and take into consideration the current view of the Shire and Main Roads West Australia before scheduling the next meeting.

Policy and Legislative Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority

OFFICER RECOMMENDATION – ITEM NO 10.1.1

THAT COUNCIL:

1. BY SIMPLE MAJORITY, NOTE AND RECEIVE THE CEO REPORT; AND
2. RESOLVES TO FORMALLY REQUEST THE ADMINISTRATOR OF THE INDIAN OCEAN TERRITORIES TO CONSIDER AMENDING THE DESIGNATED DATE OF THE 2024 ACT OF SELF DETERMINATION DAY PUBLIC HOLIDAY, SHIFTING IT FROM 6 APRIL 2024 TO 29 APRIL 2024. THIS ADJUSTMENT AIMS TO BETTER ALIGN WITH COMMUNITY PREFERENCES AND ENSURE BROADER PARTICIPATION IN THE COMMEMORATIVE EVENTS SURROUNDING THIS SIGNIFICANT OCCASION.

COUNCIL RESOLUTION -ITEM NO 10.1.1

MOVED CR MINKOM

SECONDED CR YOUNG

THAT COUNCIL, BY SIMPLE MAJORITY, NOTE AND RECEIVE THE CEO REPORT.

THE MOTION WAS PUT AND DECLARED CARRIED (7/0)

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

AGAINST: NIL

10.1.2 COMMUNITY DEVELOPMENT SECTION UPDATE – OCTOBER 2023

Report Information

Date: 18 October 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: 10.1.2.1 - Jukong Restoration Project Milestones – Update, Jukong circa 1915/1920 – “Oniro”, “Dream” and Jukong racing, *Clunies Ross Family Photograph Collections*

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 September and October 2023.

Relevant Documents

Available for viewing at the meeting

Nil

Background

Jukong Restoration Project Update

In collaboration with the WA Museum representative, we have been working periodically with the Cocos community over several years now, as part of the WA Museum's commitment to the Indian Ocean Territories. The collection in the Home Island Museum maybe small in comparison however valuable in its genealogy context and content of the evolving Cocos Malay community. The Shire of Cocos Keeling is working closely with WA Museum to collect and restore many of the unique artefacts and documents in store.

One of the collections comprises 5 heritage sailing vessels (Jukongs) that were made between the 1930s – 60s. They are all examples excellent boating building skills, the evolution of their designs and use of materials during periods of scarcity. All are in need of preservation. They are stored under a veranda, of what is known as the Chula Shed (built mid-century to house two 'Chula' furnaces that were used during the industrialisation of copra production). The shed is also being used to store another 15 or so privately owned Jukongs. These are of a lighter construction and still used today for Jukong races – a sport that is now regaining popularity amongst the younger crew - and spectators.

Around 3 years ago we began an oral history program with some of the younger members of the community, as a way of connecting with the seniors. Since then, the awareness around loss of culture, with the passing of elders has grown to the extent that this issue is now widely recognised, both within the broader community and the Shire. Several projects are now being planned, in response to a general feeling of urgency around this issue. The last generation of Cocos Malays that can recall the old way of life under Clunies Ross rule are now fading. One of the high priority initiatives that grew from our Shire and Community consultations is the Jukong Restoration Project.

Core to the project is the transfer of skills from the two remaining master boat builders on Home Island. In their seventies, they began their 'apprenticeships' at around 14 years old. One is currently building a jukong (probably his last), the other is restoring a 1935 jukong. A widely held concern is that once these gentlemen have gone their boat building knowledge and skills will be lost. The intention is that these men will oversee the restorations of the heritage boats, while teaching a group of young men (including some from the Community Youth Group) the skills and knowledge that were acquired over many generations.

The concept revolves around repurposing the Chula Shed to create a restoration workshop and storage-on-display area for the historic jukong collection. During the work sessions the shed would be open to the public, as an additional attraction on Home Island and one which complement the Home Island Cultural Tours.

Planning is still in progress but the stages through to execution are becoming clear. The first objective will be to stabilise the 5 boats by cleaning and rehousing them inside the Chula Shed. In the meantime, the Shire will undertake the preliminary work of re-locating the privately owned vessels and a basic refurbishment of the interior. Work benches will be installed by volunteers under the supervision of the Shire and local shipwrights.

Next steps are to construct jigs for the keel section for the 5 jukongs so that they are easily wheeled inside the Chula Shed for the repair works. In consultation with local shipwrights a detailed works plan will be developed.

Beyond this, future funding options will be again to approach the Maritime Museum and submit an application for the construction of a jukong through drawings laid down by John Sidney Clunies Ross in or around 1915. As per the CDC Attachment three photos of Sekoci Layar – Oniro and Dream designed by John Sidney CR. Unfortunately, none have survived however we can see the resemblance of the same boat building creativity in the “Ready”, which is preserved well in the Home Island Museum.

That said, our greatest challenge is the very limited time we may have with the last two traditional boat builders. To give a feel for the jukong story it could be seen as a hurried one. In part traditional coconut collecting. Two are of contemporary racing, two are restored and in the Home Island Museum (1897, 1903), one is being built and one being restored, as mentioned above. The rest are of the historic collection on the veranda of the Chula Shed.

School Holiday Program

The Shire organised several after school activities organised on both Home and West Island by the Youth and Recreation Officer and community volunteers.

The Shire supports these activities through extending its public liability, purchasing resources, and securing the venues for the activities through the school.

The classes are well attended by Home and West Island children. The Shire sincerely thanks the volunteers for their commitment in organising these activities.

The following statistics of the number of children actively involved each week:

Dance Classes – 2 children

Pancake making – 21 children

Twilight Soccer – 7 children

Junior Ranger (Rockpool Discovery – Trannies Beach) – 9 children

Volleyball – 16 children

Dance Class 2 – 9 children

Movie Night – 37 children

Make your own pizza – 15 children

Junior Ranger (Rockpool Discovery – Southern reef on Home Island) – 22 children

Basketball – 10 children

The planned upcoming Sporting Clinics include the follow sports and the dates for community activations:

AFL Football – 24th October to 27th October

Gymnastics – 31st October to 7th November

Basketball – 14th November to 17th November

We are still in the planning stage with the Department of Local Government Sports and Culture in relation to the proposed Sport & recreation Visits for the Indian Ocean Territories 2023-2024. The finalised schedule will be advertised in December 2023.

Training

The Youth and Recreation Officer will be attending a Conflict Resolution Training Course in Perth from the 30th of October to the 2nd of November through LG Professionals.

Upcoming Community Events

The Shire will be celebrating Seniors Week on the 15th of November at Pondok Nek Jamil. The event will commence at 9.00am and finish at 12.00pm. The Shire will be providing a morning tea and will be collecting information of our elder's family tree. These records will be kept in the Home Island Museum and displayed for the 40th Anniversary of Act of Self Determination.

International Day of People with Disability will be held on the 6th of December at the Home Island Cyclone Shelter. International Day of People with Disability (IDPwD) is a United Nations Day recognised day held on 3 December each year.

This annual event organised by the Shire helps to create an inclusive and diverse community, promote awareness, understanding and acceptance of the 4.4 million people with disability in Australia. The Shire advocates in ensuring people with disability have the opportunity to participate in all aspects of community life on Cocos.

The feedback gathered from this event will be included as per the review of the Shire's Disability and Inclusion Plan in 2024.

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 of Cocos (Keeling) Islands Corporate Business Plan
Shire of Cocos (Keeling) Islands Strategic Plan

Policy and Legislative Implications

Shire of Cocos (Keeling) Islands 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

Shire of Cocos (Keeling) Islands Corporate Business Plan
S2.1.2.3 Develop and implement a volunteer support program to encourage, incentivise, acknowledge and thank our volunteers.

Financial Implications

Nil

Strategic Implications

Shire of Cocos (Keeling) Islands Corporate Business Plan – ED 1.1.3.3

Shire of Cocos (Keeling) Islands 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 10.1.2

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

COUNCIL RESOLUTION -ITEM NO 10.1.2

MOVED CR I MINKOM

SECONDED CR BADLU

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

THE MOTION WAS PUT AND DECLARED CARRIED (7/0)

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

AGAINST: NIL

10.1.3 MEETING SCHEDULE FOR ORDINARY MEETINGS OF COUNCIL FOR 2024

Report Information

Date: 20 October 2023
 Applicant: Shire of Cocos (Keeling) Islands
 Location: Cocos (Keeling) Islands
 Disclosure of Interest: Nil
 Reporting Officer: Manager Governance Risk and Planning
 Island: Shire-wide
 Attachments: Nil

Authority / Discretion

Definitions

<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>
	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 purpose of this report is to determine the schedule for Ordinary Meetings of Council for 2024.

Relevant Documents

Available for viewing at the meeting

Nil

Background

Under Section 5.3 of the *Local Government Act 1995 (WA)(CKI)*, Councils are required to hold Ordinary Meetings no more than three months apart, although for good governance, more frequent meetings are standard practice. The Shire of Cocos (Keeling) Islands usual practice is to hold monthly meetings. However, some Councillors may be off-Island in January 2024, therefore, it may be more appropriate to not hold an Ordinary Meeting in January.

The *Local Government (Administration) Regulations 1996* – Reg 12 requires Council to give local public notice of dates, times and the location of its Ordinary and Special Meetings.

Meetings, public notice of (Act s. 5.25(1) (g))

(1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which

(a) the ordinary council meetings; and

(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months

2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub regulation (1).

Comment

The following dates for the Ordinary Meetings of Council for 2024 listed below are proposed for Council’s consideration taking into account external factors, school and gazetted holidays relevant in the Territory of Cocos (Keeling) Islands.

Also, Councillors should note that the 27 March 2024 meetings is scheduled at 1.00pm in consideration of Ramadan.

The dates proposed for the Ordinary Meetings of Council for 2024 are as follows:

Time	Date	Venue
4pm	Wednesday, 28 February 2024	CRC Meeting Room, West Island
1pm	Wednesday, 27 March 2024	Council Chambers, Home Island
4pm	Wednesday, 24 April 2024	Council Chambers, Home Island
4pm	Wednesday, 29 May 2024	CRC Meeting Room, West Island

4pm	Wednesday, 26 June 2024	Council Chambers, Home Island
4pm	Wednesday, 31 July 2024	Council Chambers, Home Island
4pm	Wednesday, 28 August 2024	CRC Meeting Room, West Island
4pm	Wednesday, 25 September 2024	Council Chambers, Home Island
4pm	Wednesday, 30 October 2024	Council Chambers, Home Island
4pm	Wednesday, 27 November 2024	CRC Meeting Room, West Island
4pm	Wednesday, 18 December 2024	Council Chambers, Home Island

It should also be noted that this schedule is for holding two meetings on Home Island to every one meeting on West Island in recognition that the majority of the community reside on Home Island.

Policy and Legislative Implications

Section 5.3 of the *Local Government Act 1995 (WA) (CKI)* stipulates the requirement to hold regular Ordinary Meetings of Council and Regulation 12 of the *Local Government (Administration) Regulations 1996* requires Council to give local public notice of dates, times and the location of its Ordinary and Special meetings. The officer's recommendation complies with these statutory requirements.

Financial Implications

Nil, there are no direct financial implications from adopting a schedule of meetings.

Strategic Implications

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

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

4.1.2 - Continue to improve organisational planning

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Reputation	Council does not encourage active participation in Council meeting processes.	Moderate	Council hold Ordinary Council meetings on Home and West Island
Compliance	Non-compliance with the <i>Local Government Act 1995 (WA) (CKI)</i> with respect to setting meeting dates and providing the necessary notice	Low	This report to Council and the associated decision ensures compliance with the Act and Regulations. Public notice is to be given after the Council has set the 2022 Council meeting dates.

Risk Matrix

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

Conclusion

The proposed schedule for the Ordinary Meetings of Council for the 2024 calendar year has been developed to ensure dates and times are suitable and do not overlap with public holidays or other significant events; therefore, it is recommended they are adopted as presented.

OFFICER RECOMMENDATION – ITEM NO 10.1.3

THAT THE COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO *SECTION 5.3 OF THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI)* RESOLVES TO ADOPT THE FOLLOWING SCHEDULE FOR ORDINARY MEETINGS OF COUNCIL FOR 2024 AS FOLLOWS AND GIVE LOCAL PUBLIC NOTICE REGARDING THIS SCHEDULE VIA THE ATOLL IN AT LEAST THREE EDITIONS AND ON THE SHIRE'S WEBSITE.

Time	Date	Venue
4pm	Wednesday, 28 February 2024	CRC Meeting Room, West Island
1pm	Wednesday, 27 March 2024	Council Chambers, Home Island
4pm	Wednesday, 24 April 2024	Council Chambers, Home Island
4pm	Wednesday, 29 May 2024	CRC Meeting Room, West Island
4pm	Wednesday, 26 June 2024	Council Chambers, Home Island
4pm	Wednesday, 31 July 2024	Council Chambers, Home Island
4pm	Wednesday, 28 August 2024	CRC Meeting Room, West Island
4pm	Wednesday, 25 September 2024	Council Chambers, Home Island
4pm	Wednesday, 30 October 2024	Council Chambers, Home Island
4pm	Wednesday, 27 November 2024	CRC Meeting Room, West Island
4pm	Wednesday, 18 December 2024	Council Chambers, Home Island

COUNCIL RESOLUTION -ITEM NO 10.1.3

MOVED CR MINKOM

SECONDED CR YOUNG

THAT THE COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO *SECTION 5.3 OF THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI)* RESOLVES TO ADOPT THE FOLLOWING SCHEDULE FOR ORDINARY MEETINGS OF COUNCIL FOR 2024 AS FOLLOWS AND GIVE LOCAL PUBLIC NOTICE REGARDING THIS SCHEDULE VIA THE ATOLL IN AT LEAST THREE EDITIONS AND ON THE SHIRE’S WEBSITE.

Time	Date	Venue
4pm	Wednesday, 28 February 2024	CRC Meeting Room, West Island
1pm	Wednesday, 27 March 2024	Council Chambers, Home Island
4pm	Wednesday, 24 April 2024	Council Chambers, Home Island
4pm	Wednesday, 29 May 2024	CRC Meeting Room, West Island
4pm	Wednesday, 26 June 2024	Council Chambers, Home Island
4pm	Wednesday, 31 July 2024	Council Chambers, Home Island
4pm	Wednesday, 28 August 2024	CRC Meeting Room, West Island
4pm	Wednesday, 25 September 2024	Council Chambers, Home Island
4pm	Wednesday, 30 October 2024	Council Chambers, Home Island
4pm	Wednesday, 27 November 2024	CRC Meeting Room, West Island
4pm	Wednesday, 18 December 2024	Council Chambers, Home Island

THE MOTION WAS PUT AND DECLARED CARRIED (7/0)

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

AGAINST: NIL

10.1.4 APPOINTMENT OF COUNCIL REPRESENTATIVES TO COMMITTEES AND ORGANISATIONS

Report Information

Date: 23 October 2023
 Applicant: The Shire of Cocos (Keeling) Islands
 Location: Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: Shire wide
 Attachments: 10.1.4.1 - Terms of Reference Audit and Governance Committee
 10.1.4.2 - Terms of Reference Community Funding Program Committee
 10.1.4.3 – Elected Member Prospectus 2023

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

Report Purpose

This report seeks Council’s consideration of establishing Council Committees and appointments to each Committee.

Relevant Documents

Available for viewing at the meeting
 Nil

Background

Council Committees dissolve at the time of a Local Government Election, which occur every two years, and therefore cannot meet until re-established by a Council decision. The Local Government Elections were held on 21 October 2023.

The Shire of Cocos (Keeling) Islands is required to re-establish the Committees and delegates after the Council election. This also provides an opportunity for the formation of any new Committees.

Section 5.8 of the *Local Government Act 1995 (WA) (CKI)* allows Council to establish, by absolute majority, Committees of three or more persons to assist Council and to exercise the powers and discharge the duties of the local government that can be delegated to Committees.

The following internal Committees have been addressed in this report:

- The Shire of Cocos (Keeling) Islands Audit and Governance Committee
- The Shire of (Cocos) Keeling Islands Community Funding Program Committee

In addition to internal committees of Council, the Council is also invited to hold membership to a number of external committees and associations, being:

- Pulu Keeling National Park Community Management Committee (PKNPCMC)
- Indian Ocean Group Training Association Committee (IOGTA)
- The (WALGA) Kimberly Zone

Previous appointments to the Committees were as follows:

- The Shire of Cocos (Keeling) Islands Audit and Governance Committee
 - Cr Young
 - Cr Minkom
 - Cr Lacy
 - Mr Phillip Anastasakis (External Member)
- The Shire of (Cocos) Keeling Islands Community Funding Program Committee
 - Cr Hamiril (*Vacant*)
 - Cr Liu (*Vacant*)
 - Cr Ibram (*Vacant*)
 - Cr Knight
- Pulu Keeling National Park Community Management Committee (PKNPCMC)
 - Cr Young
 - Cr Minkom (Proxy)
- Indian Ocean Group Training Association Committee (IOGTA)
 - Cr Hamiril (*Vacant*)
 - Cr Liu (Proxy) (*Vacant*)

- The (WALGA) Kimberly Zone

- Cr Young
- Cr Liu (*Vacant*)

Comments

Some Committees, such as the Audit and Governance Committee, must be established under statutory or regulatory provisions, and their role is prescribed. The primary objective of the Audit and Governance Committee (the Committee) is to accept responsibility for the annual external audit, liaise with the Shire's external auditor and provide review and oversight of internal audit process, including performance and independence of internal auditor, so that Council can be satisfied with the performance of the Shire in managing its financial affairs. Terms of Reference for the Audit and Governance Committee ensures the Committee and individual members on the Committee are fully aware of their role and responsibilities. See attachment 10.1.4.1 - Terms of Reference for the Audit and Governance Committee.

The other Committee of Council, being the Community Funding Program Committee, is established at the discretion of the Council and must have its terms of reference formally determined by Council resolution. The primary objective of the Community Funding Program Committee (the Committee) is to assist with the facilitation of a fair, equitable and transparent process for Council funding of community projects, programs and initiatives. See attachment 10.1.4.2 - Terms of Reference for the Community Funding Program Committee.

Council Committees have an important role in assisting Council to undertake its duties efficiently and effectively.

Good risk management practice is for Committee workloads to be fairly shared across the elected members of Council. This ensures that individual Councillors do not suffer inequitable workload pressures. It also helps ensure that decision-making influence remains equitable across all Councillors.

Financial Implications

Nil - there are no direct financial implications; however, Committees established by Council all require allocation of officer resources, for secretariat support and Committee coordination and, in relation to the business of a Committee as provided in its terms of reference, allocation of officer resources for preparation of necessary reports.

Policy and Legislative Implications

Section 5.8 of the *Local Government Act 1995 (WA) (CKI)* allows Council to establish Committees to assist it in discharging its duties under the Act, with a minimum number of three (3) or more persons.

Strategic Implications

Strategic Community Plan 2022-2037

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

OFFICER RECOMMENDATION – ITEM NO 10.1.4

THAT COUNCIL:

1. ENDORSE THE REQUIREMENT OF ELECTED MEMBERS ATTENDING MEETINGS FOR EXTERNAL COMMITTEES AND ORGANISATIONS TO PROVIDE A WRITTEN REPORT TO ALL ELECTED MEMBERS ON SIGNIFICANT MATTERS ARISING FROM THESE MEETINGS; AND
2. APPROVE THE ELECTED MEMBER AND SHIRE OFFICER APPOINTMENTS TO EXTERNAL COMMITTEES AND ORGANISATIONS AND COUNCIL COMMITTEES AS FOLLOWS:

AUDIT AND GOVERNANCE COMMITTEE

POSITION / ORGANISATION	NAME
Councillor	
Councillor	
Councillor	
External Committee Member	To be considered at first meeting of Committee

COMMUNITY FUNDING PROGRAM COMMITTEE

POSITION / ORGANISATION	NAME
Councillor	
Councillor	
Councillor	

PULU KEELING NATIONAL PARK COMMUNITY MANAGEMENT COMMITTEE (PKNPCMC)

POSITION / ORGANISATION	NAME
Councillor/Staff Member	
Councillor/Staff Member (As Proxy)	

INDIAN OCEAN GROUP TRAINING ASSOCIATION (IOGTA) COMMITTEE

POSITION / ORGANISATION	NAME
Councillor/Staff Member	
Councillor/Staff Member (As Proxy)	

THE (WALGA) KIMBERLEY COUNTRY ZONE

POSITION / ORGANISATION	NAME
Councillor	
Councillor (As Proxy)	

COUNCIL RESOLUTION -ITEM NO 10.1.4

MOVED CR I MINKOM

SECONDED CR SLOAN

THAT COUNCIL:

- 1. ENDORSE THE REQUIREMENT OF ELECTED MEMBERS ATTENDING MEETINGS FOR EXTERNAL COMMITTEES AND ORGANISATIONS TO PROVIDE A WRITTEN REPORT TO ALL ELECTED MEMBERS ON SIGNIFICANT MATTERS ARISING FROM THESE MEETINGS; AND**
- 2. APPROVE THE ELECTED MEMBER AND SHIRE OFFICER APPOINTMENTS TO EXTERNAL COMMITTEES AND ORGANISATIONS AND COUNCIL COMMITTEES AS FOLLOWS:**

AUDIT AND GOVERNANCE COMMITTEE

POSITION / ORGANISATION	NAME
Councillor	YOUNG
Councillor	A MINKOM
Councillor	I MINKOM
External Committee Member	To be considered at first meeting of Committee

COMMUNITY FUNDING PROGRAM COMMITTEE

POSITION / ORGANISATION	NAME
Councillor	KNIGHT
Councillor	SLOAN
Councillor	LACY

PULU KEELING NATIONAL PARK COMMUNITY MANAGEMENT COMMITTEE (PKNPCMC)

POSITION / ORGANISATION	NAME
Councillor/Staff Member	BADLU
Councillor/Staff Member (As Proxy)	SLOAN

INDIAN OCEAN GROUP TRAINING ASSOCIATION (IOGTA) COMMITTEE

POSITION / ORGANISATION	NAME
Councillor/Staff Member	YOUNG
Councillor/Staff Member (As Proxy)	I MINKOM

THE (WALGA) KIMBERLEY COUNTRY ZONE

POSITION / ORGANISATION	NAME
Councillor	BADLU
Councillor (As Proxy)	LACY

THE MOTION WAS PUT AND DECLARED CARRIED (7/0)

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

AGAINST: NIL

10.2 MANAGER FINANCE AND CORPORATE SERVICES

10.2.1 MONTHLY FINANCIAL REPORT – SEPTEMBER 2023

Report Information

Date: 20 October 2023
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Manager Finance & Corporate Services
 Island: Shire Wide
 Attachments: 10.2.1.1 - Monthly Financial Report –September 2023

Authority / Discretion

Definition

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

Report Purpose

The purpose of this report is to provide a monthly financial report for September 2023, which includes rating, investment, reserve, debtor, and general financial information to Elected Members in accordance with Section 6.4 of the *Local Government Act 1995 (WA) (CKI)*.

This report is a summary of the financial activities of the Shire at the reporting date. The 2022/23 Annual Financial Statements will be finalised and audited by the Shires auditors with presentation due to the Audit Committee in December 2023. At this time the final 2022/2023 result will be determined and any further impact on the 2023/2024 Annual Budget will be presented to Council for consideration.

Relevant Documents

Available for viewing at the meeting.

Nil

Background

The reporting of monthly financial information is a requirement under section 6.4 of the *Local Government Act 1995 (WA) (CKI)*, and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* and provides oversight of the Shire's finances to Council.

Comment

The period of review is September 2023. The current closing municipal surplus for this period is \$2,877,689 compared to a budget position of \$2,000,188.

Income for the period year to date is \$4,474,610 which is made up \$4,354,610 in operating revenues, \$120,000 in capital grants. The budget estimated \$4,736,081 would be received for the same period. The variance to budget is \$(261,471).

Expenditure for the period year to date is \$1,998,558 excluding depreciation. This is made up of \$1,461,082 in operating expenditure and \$537,476 in capital expenditure. The budget estimated \$3,326,104 would be spent for the same period. The variance to budget is \$1,327,546.

Details of all significant variances against the current budget are provided in the notes to the Monthly Financial Report contained within Attachment 10.2.1.1.

Policy and Legislative Implications

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires all Local Governments to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure for the month.

Financial Management Regulation 34 also requires this statement to be accompanied by:

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

Strategic Implications

Nil

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	That budget allocations are significantly exceeded.	Moderate (6)	Variances are monitored and highlighted to Council on a monthly basis for corrective action.
Reputation	The monthly financial statements are open to public scrutiny.	Low (3)	Procedures in place to ensure all expenditure is justifiable.
Compliance	The report is to be presented to Council within two months in order to comply with relevant legislation.	Low (3)	There are processes in place to ensure compliance with legislation.
Fraud	That the report is manipulated.	Low (3)	Interim and end of year audits.

Risk Matrix

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

Conclusion

That the Monthly Financial Report for the period ending 30 September 2023, including explanations of material variances, be received.

OFFICER RECOMMENDATION – ITEM NO 10.2.1

THAT COUNCIL:

1. BY SIMPLE MAJORITY, PURSUANT TO THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996* RECEIVES THE MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2023, AS CONTAINED IN ATTACHMENT 10.2.1.1; AND
2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 30 SEPTEMBER 2023, AS CONTAINED IN ATTACHMENT 10.2.1.1.

COUNCIL RESOLUTION -ITEM NO 10.2.1

MOVED CR LACY

SECONDED CR YOUNG

THAT COUNCIL:

- 1. BY SIMPLE MAJORITY, PURSUANT TO THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996* RECEIVES THE MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2023, AS CONTAINED IN ATTACHMENT 10.2.1.1; AND**
- 2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 30 SEPTEMBER 2023, AS CONTAINED IN ATTACHMENT 10.2.1.1.**

THE MOTION WAS PUT AND DECLARED CARRIED (7/0)

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

AGAINST: NIL

10.2.2 MONTHLY FINANCIAL REPORT – OCTOBER 2023

Report Information

Date: 7 November 2023
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Manager Finance & Corporate Services
 Island: Shire Wide
 Attachments: 10.2.2.1 - Monthly Financial Report –November 2023

Authority / Discretion

Definition

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

Report Purpose

The purpose of this report is to provide a monthly financial report for November 2023, which includes rating, investment, reserve, debtor, and general financial information to Elected Members in accordance with Section 6.4 of the *Local Government Act 1995 (WA) (CKI)*.

This report is a summary of the financial activities of the Shire at the reporting date. The 2022/23 Annual Financial Statements will be finalised and audited by the Shires auditors with presentation due to the Audit Committee in December 2023. At this time the final 2022/2023 result will be determined and any further impact on the 2023/2024 Annual Budget will be presented to Council for consideration.

Relevant Documents

Available for viewing at the meeting.

Nil

Background

The reporting of monthly financial information is a requirement under section 6.4 of the *Local Government Act 1995 (WA) (CKI)*, and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* and provides oversight of the Shire's finances to Council.

Comment

The period of review is October 2023. The current closing municipal surplus for this period is \$2,058,569 compared to a budget position of \$1,139,286.

Income for the period year to date is \$4,833,629 which is made up \$4,681,398 in operating revenues, \$152,231 in capital grants. The budget estimated \$4,938,163 would be received for the same period. The variance to budget is (\$104,534).

Expenditure for the period year to date is \$3,110,390 excluding depreciation. This is made up of \$2,250,294 in operating expenditure and \$860,096 in capital expenditure. The budget estimated \$4,022,840 would be spent for the same period. The variance to budget is \$912,450.

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

Policy and Legislative Implications

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires all Local Governments to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure for the month.

Financial Management Regulation 34 also requires this statement to be accompanied by:

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

Strategic Implications

Nil

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	That budget allocations are significantly exceeded.	Moderate (6)	Variances are monitored and highlighted to Council on a monthly basis for corrective action.
Reputation	The monthly financial statements are open to public scrutiny.	Low (3)	Procedures in place to ensure all expenditure is justifiable.
Compliance	The report is to be presented to Council within two months in order to comply with relevant legislation.	Low (3)	There are processes in place to ensure compliance with legislation.
Fraud	That the report is manipulated.	Low (3)	Interim and end of year audits.

Risk Matrix

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

Conclusion

That the Monthly Financial Report for the period ending 31 October 2023, including explanations of material variances, be received.

OFFICER RECOMMENDATION – ITEM NO 10.2.2

THAT COUNCIL:

1. BY SIMPLE MAJORITY, PURSUANT TO THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996* RECEIVES THE MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 OCTOBER 2023, AS CONTAINED IN ATTACHMENT 10.2.2.1; AND
2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 31 OCTOBER 2023, AS CONTAINED IN ATTACHMENT 10.2.2.1

COUNCIL RESOLUTION -ITEM NO 10.2.2

MOVED CR I MINKOM

SECONDED CR CR SLOAN

THAT COUNCIL:

- 1. BY SIMPLE MAJORITY, PURSUANT TO THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996* RECEIVES THE MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 OCTOBER 2023, AS CONTAINED IN ATTACHMENT 10.2.2.1; AND**
- 2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 31 OCTOBER 2023, AS CONTAINED IN ATTACHMENT 10.2.2.1**

THE MOTION WAS PUT AND DECLARED CARRIED (7/0)

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

AGAINST: NIL

10.2.3 SCHEDULE OF ACCOUNTS PAID FOR THE PERIOD SEPTEMBER 2023

Report Information

Date: 20 October 2023
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Senior Finance Officer
 Island: Shire Wide
 Attachments: 10.2.3.1 - 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 September 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 10.2.3.1.

Payment Type	Amount (\$)
EFT Payments #10070 to #10145	\$389,169.52
Direct Debit Payment	\$66,208.56
Cheque Payment 11721 to 11724	\$43,805.41
Total Payments	\$499,183.49

Contained within Attachment 10.2.3.1 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 September 2023

OFFICER RECOMMENDATION – ITEM NO 10.2.3

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 SEPTEMBER 2023 TOTALLING \$499,183.49 AS CONTAINED IN ATTACHMENT 10.2.3.
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD EXPENDITURE FOR THE PERIOD SEPTEMBER 2023, AS CONTAINED IN ATTACHMENT 10.2.3.

COUNCIL RESOLUTION -ITEM NO 10.2.3

MOVED CR I MINKOM

SECONDED CR LACY

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 SEPTEMBER 2023 TOTALLING \$499,183.49 AS CONTAINED IN ATTACHMENT 10.2.3.
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD EXPENDITURE FOR THE PERIOD SEPTEMBER 2023, AS CONTAINED IN ATTACHMENT 10.2.3.

THE MOTION WAS PUT AND DECLARED CARRIED (7/0)

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

AGAINST: NIL

10.2.4 SCHEDULE OF ACCOUNTS PAID FOR THE PERIOD OCTOBER 2023

Report Information

Date: 6 November 2023
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Senior Finance Officer
 Island: Shire Wide
 Attachments: 10.2.4.1 - 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 October 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 10.2.4.1.

Payment Type	Amount (\$)
EFT Payments #10146 to #10229	\$803,550.10
Direct Debit Payment	\$59,280.54
Cheque Payment 11725 to 11726	\$8,746.05
Total Payments	\$871,576.69

Contained within Attachment 10.2.4.1 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 October 2023.

OFFICER RECOMMENDATION – ITEM NO 10.2.4

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 OCTOBER 2023 TOTALLING \$871,576.69 AS CONTAINED IN ATTACHMENT 10.2.4.1.
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD EXPENDITURE FOR THE PERIOD OCTOBER 2023, AS CONTAINED IN ATTACHMENT 10.2.4.1.

COUNCIL RESOLUTION -ITEM NO 10.2.4

MOVED CR LACY

SECONDED CR I MINKOM

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 OCTOBER 2023 TOTALLING \$871,576.69 AS CONTAINED IN ATTACHMENT 10.2.4.1.
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD EXPENDITURE FOR THE PERIOD OCTOBER 2023, AS CONTAINED IN ATTACHMENT 10.2.4.1.

THE MOTION WAS PUT AND DECLARED CARRIED (7/0)

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

10.2.5 APPLICATION TO WAIVE SHIRE RATES

Report Information

Date: 4 December 2023
 Location: Part Lot 18 Home Island Retail Centre – Seafront Restaurant and Home Island Trading
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Manager Finance & Corporate Services
 Island: Home Island
 Attachments: Nil

Authority / Discretion

Definition

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

Report Purpose

The purpose of this report is to seek Council approval to waive the Shire rates charges for two (2) tenancies at Part Lot 18 HI Retail Centre.

Relevant Documents

Nil

Background

Two (2) tenancies Seafront Restaurant and Home Island Trading have vacated and temporarily closed their business during the renovations at the retail centre. The Shire proposes to waive the Rates charged under their respective lease agreements for this period.

Comment

Seafront Restaurant vacated in May 2023 and the amount proposed to be waived is \$1,563.78 for the following:

A6040		Lot 18 - Seafront restaurant			
		Rates	Bin Charge	Total	
Rates	2022-23	\$ 1,249.50	\$ 373.00	\$ 1,622.50	
Rates	2023-24	\$ 1,293.36	\$ -	\$ 1,293.36	
				<u>\$ 2,915.86</u>	
Total Amount to Waive					
Vacated May23	2022-23	-\$ 208.25	-\$ 62.17	-\$ 270.42	2 months
	2023-24	-\$ 1,293.36	\$ -	-\$ 1,293.36	
				<u>-\$ 1,563.78</u>	

Home Island Trading vacated in November 2022 and the amount proposed to be waived is \$1529.33 for the following:

A6050		Unit2 - Lot18 Jalan Rel - HI Trading			
		Rates	Bin Charge	Total	
Rates	2022-23	\$ 751.00	\$ 373.00	\$ 1,124.00	
Rates	2023-24	\$ 780.00	\$ -	\$ 780.00	
				<u>\$ 1,904.00</u>	
Total Amount to Waive					
Vacated Nov 22	2022-23	-\$ 500.67	-\$ 248.67	-\$ 749.33	8 months
	2023-24	-\$ 780.00	\$ -	-\$ 780.00	
				<u>-\$ 1,529.33</u>	

In accordance with section s6.47 of the *Local Government Act 1995 (WA) (CKI)*, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge where absolute majority is required.

Delegation 2.1.11 – Defer, grant Discounts, Waive or Write off Debts does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge and as such Council approval is required.

It is to be noted that s6.12(2) of the *Local Government Act 1995 (WA) (CKI)*, does not apply as this matter relates to rates charges.

Policy and Legislative Implications

Local Government Act 1995 (WA) (CKI) s6.12(1)(c), 6.47.

Delegation 2.1.11 – Defer, Grant Discounts, Waive or Write off Debts.

Financial Implications

The amount to be waived is identified in this report. Should the tenants have any other sundry debt owing, the Shire will allocate this credit to their respective account.

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)

Voting Requirements

Absolute majority

Conclusion

As both tenancies have closed their business during the renovations, Council should approve to waive the Shire Rates charges.

OFFICER RECOMMENDATION – ITEM NO 10.2.5

THAT COUNCIL, BY ABSOLUTE MAJORITY, PURSUANT TO SECTION 6.12(1)(C) 6.47 OF THE *LOCAL GOVERNMENT ACT 1995 (WA)(CKI)* APPROVES TO WAIVE:-

1. SEAFRONT SHIRE RATES A6040 FOR THE AMOUNT OF \$1,563.78;
2. HOME ISLAND TRADING SHIRE RATES A6050 FOR THE AMOUNT OF \$1529.33;
3. ALLOCATE CREDITS TO THE TENANTS OUTSTANDING DEBTORS ACCOUNT WHERE APPLICABLE.

COUNCIL RESOLUTION -ITEM NO 10.2.5

MOVED CR I MINKOM

SECONDED CR SLOAN

THAT COUNCIL, BY ABSOLUTE MAJORITY, PURSUANT TO SECTION 6.12(1)(C) 6.47 OF THE *LOCAL GOVERNMENT ACT 1995 (WA)(CKI)* APPROVES TO WAIVE:-

1. SEAFRONT SHIRE RATES A6040 FOR THE AMOUNT OF \$1,563.78;
2. HOME ISLAND TRADING SHIRE RATES A6050 FOR THE AMOUNT OF \$1529.33;
3. ALLOCATE CREDITS TO THE TENANTS OUTSTANDING DEBTORS ACCOUNT WHERE APPLICABLE.

THE MOTION WAS PUT AND DECLARED CARRIED BY ABSOLUTE MAJORITY (7/0)

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

AGAINST: NIL

10.3 MANAGER INFRASTRUCTURE

10.3.1 INFRASTRUCTURE REPORT

Report Information

Date: 31 October 2023
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: Manager Infrastructure
 Island: Shire wide
 Attachments: Nil

Authority / Discretion

Definition

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

Report Purpose

The purpose of this report is to provide Council with an update on 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

Works are progressing with vinyl laid in all tenancies. Tiling of the kitchen wall has commenced. Plumbing drainage works are complete awaiting installation of fixtures. Airconditioning units have been installed in tenancies as per the plans and electrical works are nearing completion.

As identified in previous reports, there continues to be a shortage of materials for the retail precinct, despite all being ordered in 2019. Additional staff and contractors have been employed to complete the project which has also contributed to significant budget pressure.

There is a high likelihood of exceeding the current budget.

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.

IOTPS has sought assistance from the Shire with trenching for a network extension, however this is on hold pending the identification of existing services along the new alignment.

The paving of Jalan Baru adjoining the retail precinct has commenced. The existing track between Jalan Rel and Jalan Majid in-front of the existing restaurant will be closed and reinstated to reserve. Roadside parking and pathways will connect to the restaurant.

Road Works – Jalan Raya

Works on Jalan Raya are substantially complete. We are awaiting delivery of the remaining pavers to complete the remaining 80m to the school intersection. These works are planned for early 2024.

Studio Unit

The unit has finally been transferred to Home Island and placed on the footings.

Christmas Island Maintenance Services (CIMS) has been engaged to undertake the project of installing the studio unit on LOT198 Jalan Edit, Home Island.

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 is complete, and the materials have been ordered. Two additional sites will be constructed.

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. Materials are expected to arrive in December and works expected to commence early in the new year for completion at the end of February.

Kampong Rental Housing Renewal

The budget allocated for this project is \$344,000 to renew kitchens, windows, flooring, and roof sheeting for selected Shire rental properties. Property inspections were completed in May/June 23 with an identified priority list in development.

With the review of the current Housing Policy advice was sought from Civic Legal as to our maintenance responsibility for Leased Properties. The Chief Executive Officer has directed, no capital works will occur, until that advice has been considered and discussed with the new Council.

An immediate action for all properties is the installation of smoke alarms. Due to the limited cavity in the ceiling, 10-year lithium battery smoke alarms are appropriate in accordance with current Standards. Alarms have been ordered and will be installed in all Shire housing assets upon their arrival.

A new kitchen design is complete with quotes received for the supply and delivery.

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

Direction Island Works

An inspection of all assets on Direction Island has been undertaken and planning commenced for the capital replacements.

Materials have been ordered for the replacement balustrade and fretwork at the Emden Memorial and to replace the existing Shelter 2.

Quotes have been received to replace the toilets. These are in excess of the current budget so a review of the options to upgrade rather than replace need to be undertaken.

Plant Replacement Program

Three new Triton Utes have been delivered to replace West Island maintenance vehicles. It is intended that the vehicles being replaced will be shipped to Perth for disposal through a WALGA approved auction house.

Quotes have also been received for the supply of a crusher bucket to process waste concrete, bricks, pavers, and coral. These are currently being evaluated by the evaluation team and the Infrastructure Manager will be attending a demonstration organised in Perth in late November.

Quotes have been received for the replacement of the mowers and are under evaluation.

Quotes for a diesel fuel trailer have been received and are under consideration.

The wheeled loader has been ordered and is due to be delivered to Perth in November for arrival on Cocos early 2024. A pre-delivery inspection is planned for the end of November.

Sandbag Wall Maintenance and Construction

In addition to damage to the wall at Twiss Memorial, a number of bags have been dislodged from other seawalls around West Island.

The Commonwealth have indicated there is no funding to construct new walls and are awaiting receipt of an order of new bags prior to confirming if any repair work will be undertaken this financial year.

OPERATIONAL WORKS

Cyclone Shelter – Home Island

Removal of rust and painting of the steel beams below the cyclone shelter has been completed on the southern side of the building. Treatment of rust at the base of the generator was also completed.

The three sets of entry stairs to the shelter have been sanded and re-stained. New FRP stair delineation has been installed.

Road Maintenance

Replacement and removal of signage consistent with the Main Roads Audit 2019 has been completed on Home Island. Due to the extended dry period no maintenance grading has been undertaken but will progress following a period of rain.

Verge Trimming/Tree Management

Weed spraying has been undertaken across Home Island along roadsides and around Shire infrastructure. Trimming of roadside vegetation is continuing on the Sydney Highway.

Removal of vegetation in and around the Container Park, Jukong Shed and the Azmie Zaitu Centre is complete.

Solar Lighting

A review of all solar lighting on Home Island has been undertaken and replacement bollard heads installed where the current ones were not operational – additional heads and replacement batteries have been ordered to complete the renewal.

Home Island CRC

Repair works have been undertaken on the toilet facilities at the Resource Centre on Home Island. All facilities are now operational.

Access to the toilets have been improved with the paving lifted to remove the step into the portico. A handle has also been installed on the disabled toilet door to ensure DDA compliance.

Pondok Abang

Rotten balustrading has been removed and reinstated with new. The whole structure has been repainted and additional grips ordered to secure the deck to the footings.

Home Island Tennis Courts

The corroded colourbond roof sheeting on both the southern and eastern shelters has been replaced with aluminium.

Environmental Initiatives*Marine Debris*

The Shire hosted a beach clean-up as part of Tangaroa Blue's Biggest Beach Clean on the 14 October 23 at Pasir Nek Ayak. A group of community volunteers attended and collected several bags of marine debris weighing approximately 120kg.

Sea Shepherd has a volunteer crew on their 2023 Cocos Keeling Islands Trash Bash starting on Home Island from 25 October 23 also including West, South and Direction Island. The Shire will be supporting the initiative by receiving the waste and assisting with transport.

Tree Planting

Students from Christmas Island visited with Lyn Gaffe on the 18 October 23 as part of their Junior Ranger program. This included a tour of the Shire Nursery and planting of native trees at Kampong Atas. The students successfully planted a further 50 native trees. The students also collected marine debris along Kampong Atas.

Waste Management*Off Island Disposal*

Another container of asbestos has successfully been disposed of on the mainland. A further full container of asbestos is awaiting a bolster to be shipped.

Two more containers have been purchased for removing the remainder of asbestos on Home Island. These are due to arrive on the December ship.

A container of tyres has been successfully shipped off island for recycling. Staff cleaned, drilled, washed and loaded approximately 400 tyres from the Home Island transfer station.

The remainder of the tyres at transfer station have been stacked on pallets to be cleaned and prepped ready for the next available container.

A container of batteries also was successfully shipped off island for recycling. This has cleared all batteries in storage at the Home Island Transfer station.

Stickers have started to be put on or yellow bins encouraging residents to place clean metal cans into these bins. Waste management staff will then sort these and bale them. These will also be shipped off island for recycling.

Comment

This report outlines the status of current projects that have commenced. Again, we have an ambitious capital works program and with limited 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, RECEIVE THE MANAGER INFRASTRUCTURE MONTHLY UPDATE FOR OCTOBER 2023.

COUNCIL RESOLUTION -ITEM NO 10.3.1

MOVED CR I MINKOM

SECONDED CR LACY

THAT COUNCIL, BY SIMPLE MAJORITY, RECEIVE THE MANAGER INFRASTRUCTURE MONTHLY UPDATE FOR OCTOBER 2023.

THE MOTION WAS PUT AND DECLARED CARRIED (7/0)

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

AGAINST: NIL

11. MINUTES TO BE RECEIVED

Nil

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

Nil

13. MOTIONS WITHOUT NOTICE WITH LEAVE OF COUNCIL

Nil

14. MATTERS BEHIND CLOSED DOOR

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

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

The Manager Governance Risk and Planning, Manager Finance and Corporate Services, Manager Infrastructure, Community Development Coordinator and the Public left the gallery at 4:50pm.

PROCEDURAL MOTION

MOVED CR LACY

SECONDED CR BADLU

THAT COUNCIL, BY SIMPLE MAJORITY, RESOLVES TO MOVE BEHIND CLOSED DOORS AT 4:50PM IN ACCORDANCE WITH SECTION 5.23(2) OF THE LOCAL GOVERNMENT ACT 1995 (WA)(CKI) 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 (7/0)

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

AGAINST: NIL

14.1 CONFIDENTIAL - CEO ANNUAL REVIEW

Report Information

Date: 26 October 2023
 Location: Cocos (Keeling) Islands
 Applicant: Shire President
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: Shire President
 Island: Shire wide
 Attachments: 14.1.1 – 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–*

(a) *a matter affecting an employee or employees.*

CEO PERFORMANCE AND SELECTION COMMITTEE 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 (7/0)

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

The Manager Governance Risk and Planning, Manager Finance and Corporate Services, Manager Infrastructure, Community Development Coordinator returned to the Chambers at 4:50pm.

**14.2 CONFIDENTIAL - INFORMATION COMMUNICATIONS TECHNOLOGY REPORT
OCTOBER 2023**

Report Information

Date: 26 October 2023
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: ICT Coordinator
 Island: Shire wide
 Attachments: Nil

Authority / Discretion

Definition

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

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

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following–*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*

OFFICER RECOMMENDATION– ITEM NO 14.2

As per the Confidential item.

COUNCIL RESOLUTION – ITEM NO 14.2

THE MOTION WAS PUT AND DECLARED CARRIED (7/0)

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

14.3 DEPARTMENT OF INFRASTRUCTURE, TRANSPORT, REGIONAL DEVELOPMENT, COMMUNICATIONS, AND THE ARTS

Report Information

Date: 23 November 2023
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: Shire wide
 Attachments: 14.3.1 – 14.3.5 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 14.3

As per the Confidential item.

COUNCIL RESOLUTION – ITEM NO 14.3

THE MOTION WAS PUT AND DECLARED CARRIED BY ABSOLUTE MAJORITY (7/0)

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

PROCEDURAL MOTION

MOVED CR LACY

SECONDED CR I MINKOM

**THAT COUNCIL, BY SIMPLE MAJORITY, RESOLVES TO MOVE FROM BEHIND CLOSED DOORS
THE TIME BEING AT 5:17PM**

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

AGAINST: NIL

15. MATTERS RELATING TO THE LAND TRUSTS



MATTERS RELATING TO THE LAND TRUST 1979 AND LAND TRUST 1984

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

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

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

15.1 TRUSTS ADMINISTRATION

Nil

15.1.1 WEST ISLAND TEMPORARY BOAT RAMP – ADDITIONAL PARKING

Report Information

Date: 22 November 2023
 Location: Cocos (Keeling) Islands
 Applicant: The Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Manager Infrastructure
 Island: West Island
 Attachments: Nil

Authority / Discretion

Definition

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

Report Purpose

This report seeks Council approval to remove an area of coconut palms and establish additional car and trailer parking adjoining the temporary boat ramp at the end of Mahoon Road, West Island.

Relevant Documents

Available for viewing at the meeting

Nil

Background

As a result of significant sedimentation adjoining Rumah Baru leaving the boat ramp unserviceable, a temporary boat ramp was established at the end of Mahoon Road. This is Trust Land.

Concrete panels were installed in September 2022 and have been raised twice in that time and extended further in August 2023.

The temporary ramp has been operating well and the community has undertaken a working bee onsite and is planning on establishing moorings adjacent the ramp.

Maritime Constructions have completed an options paper relating to a permanent boat ramp facility, including one at the end of Mahoon Road. The Chief Executive Officer has engaged with the community and continues to liaise with a number of government agencies for funding on this proposal.

Comment

Whilst the temporary ramp is currently operating well, there is a significant shortfall of cleared area for parking. During suitable weather conditions, parked vehicles and trailers line both sides of Mahoon Road and creating a hazard for users of the ramp and the road.

In order to minimise this risk, it is proposed to clear an area of coconut palms to the west of the current cleared area and service track towards Rumah Baru. This will provide a clear area of 25m to ensure a 12.5m car/trailer combination and 10m manoeuvring clearance. This will create an additional 15 parking spaces.

The area of approximately 400m² includes about 40 coconut palms as per image below.



Advice from the Department for Environment and Water is that coconut palms (*Cocos nucifera*) not be considered native vegetation under *Environment Protection Act 1986 (WA)(CKI)* where it is growing outside its indigenous environment (within inland areas).

As this site is nearly 30m from the high tide mark there are no native vegetation clearance implications.

Policy and Legislative Implications

Environment Protection Act 1986 (WA)(CKI)

Environment Protection (Clearing of Native Vegetation) Regulations 2004 (WA)(CKI)

Financial Implications

There is provision within the current budget for boat ramp maintenance. Works to clear and level the site are expected to cost approximately \$7000.

Strategic Implications

Corporate Business Plan

Leadership - To ensure that Shire resources are utilised in a manner that represents the best interest of the whole community.

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	Cost to the community	Low (4)	Planned works
Reputation	Public scrutiny of clearance	Low (3)	Justifiable reasons for clearing land and establishing parking
Compliance	Process non-compliant	Low (4)	Ensure compliance with relevant legislation

Risk Matrix

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

Voting Requirements

Simple majority

Conclusion

The officer's recommendation is that Council, acting in its capacity as the Trustee of the Land Trusts, accepts the recommendation to remove a strand of coconut palms for the purposes of expanding the carparking adjoining the temporary boat ramp at the end of Mahoon Road, West Island.

OFFICER RECOMMENDATION – ITEM NO 15.1.1

THAT COUNCIL, ACTING IN ITS CAPACITY AS TRUSTEE OF THE 1984 LAND TRUST DEED, BY SIMPLE MAJORITY, APPROVE THE REMOVAL OF APPROXIMATELY 40 COCONUT PALMS FOR THE PURPOSES OF EXPANDING THE PARKING FACILITIES ADJACENT TO THE TEMPORARY BOAT RAMP LOCATED AT THE END OF MAHOON ROAD, WEST ISLAND.

COUNCIL RESOLUTION -ITEM NO 15.1.1

MOVED CR LACY

SECONDED CR I MINKOM

THAT COUNCIL, ACTING IN ITS CAPACITY AS TRUSTEE OF THE 1984 LAND TRUST DEED, BY SIMPLE MAJORITY, APPROVE THE REMOVAL OF APPROXIMATELY 40 COCONUT PALMS FOR THE PURPOSES OF EXPANDING THE PARKING FACILITIES ADJACENT TO THE TEMPORARY BOAT RAMP LOCATED AT THE END OF MAHOON ROAD, WEST ISLAND.

THE MOTION WAS PUT AND DECLARED CARRIED (7/0)

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

AGAINST: NIL

15.2 TRUSTS LEASES

15.2.1 APPLICATION FOR VARIATION OF LEASE

Report Information

Date: 4 December 2023
 Location: Part Lot 24 WI LIA Shed 3 & Part Lot 100 WI South End Rd Precinct Area 4
 Applicant: Cocos Island Adventure Tour C/- Ashley & Kylie James
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Leasing and Policy Development Officer
 Island: West Island
 Attachments: Nil

Authority / Discretion

Definition

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

Report Purpose

To present the request and supporting documentation to Council for consideration for a variation of lease for a commercial tenancy on Part Lot 24 WI LIA Shed 1 and the lease on Part Lot 100 WI South End Road Precinct Area 4.

Relevant Documents

Available for viewing at the meeting.

Request for Variation of Lease

Background

The lease for Part Lot 24 WI LIA Shed 1 and Part Lot 100 WI South End Road Precinct Area 4 is currently leased by Ashley and Kylie James trading as Cocos Island Adventure Tours.

The lease for Part Lot 24 WI LIA Shed 1 was executed on 1 July 2017 for five (5) years with a five (5) years option.

The lease for Part Lot 100 WI South End Road Precinct Area 4 was executed on 1 July 2018 to 30 June 2023 for five (5) years with a five (5) years option and have exercised the further five (5) year term effective from 1 July 2023.

Comment

The lease holder Ashley & Kylie James has sold their business and subsequently submitted a request for a lease variation to new owners Dan Martain and Penne Yorke trading as Cocosday for the variation to take affect from of 1 January 2024.

The transfer of lease at Part Lot 100 WI South End Rd Precinct Area 4 is imperative for the continuation of the canoe safari business. This business caters for the largest number of visitors to the Cocos Islands and a disruption to the lease arrangement would severely impact our ability to provide the same services.

The transfer of Part Lot 24 WI LIA Shed 1 is also essential as it allows a suitable area for the servicing of outboard motors and repairs to canoes and other vessels. Such works need to be conducted in the LIA as they would not be appropriate to undertake in a residential area.

The current tenant shows a good financial history with the Shire and does not have any outstanding debt and all invoices are paid on time. It is to be noted the new tenants also do not have any current debt with the Shire.

In accordance with the conditions in the current lease agreement, although there is no direct definition to a variation of lease, references to assignment of lease is as follows:

Part Lot 24 WI LIA Shed 1:

3.23 Assignment or subletting

1) The Lessee must not assign, sublet or part with the possession of the Premises or any part of the premises and the Lease without the prior written consent of the Lessor.

Part Lot 100 WI South End Rd Precinct Area 4:

3.16 Assignment or subletting

1) The Lessee must not assign, sublet or part with the possession of the Premises or any part of the premises and the Lease without the prior written consent of the Lessor and it is HEREBY DECLARED that section 80 and 82 of the Property Law Act 1969 are expressly excluded.

Policy and Legislative Implications

Section 3.58 of the *Local Government Act 1995 (WA) (CKI)*.

Financial Implications

Progressing with this lease variation will ensure the continuance of the lease fee being paid. A fee of \$260.00 per lease will be charged for the preparation of variation of lease document.

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2022 – 2033
Economic E2: To Work alongside local businesses to facilitate employment, growth and development.

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Reputation	Not progressing with the lease in a timely manner could result in uncertainty for a key stakeholder who provides a good community service.	Moderate (8)	This item is being progressed as quickly as possible, while still observing legislative requirements.
Service Interruption	Without a lease, a demand of this service for the community could be disrupted.	Moderate (6)	This item is being progressed as quickly as possible, while still observing legislative requirements.
Compliance	The process for leasing does not comply with legislation.	Low (3)	The process outlined in this report is consistent with legislative requirements.
Property	The property is being used other than what it has been intended for.	Low (3)	Property inspection to be conducted annually.

Voting Requirements

Simple majority

Conclusion

It should be noted that Council, in this instance, is acting in its capacity as the Trustee of the 1984 Land Trust as the Land (Part Lot 100 WI) is held in Trust. Council, in making any decision in relation to the Trust, must give due consideration of the purpose of the Trust, that is “for the benefit, advancement and wellbeing of the community formed by the Kampong residents” and ensure their decision-making is guided by this objective. Council, acting in its capacity as Trustee, has the authority to consider matters relating to Land held in Trust.

The request for a lease variation is presented to the Trust for consideration and the officer's recommendation the variation of lease to Cocosday is approved.

OFFICER RECOMMENDATION – ITEM NO 15.2.1

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

1. TO GRANT APPROVAL FOR A VARIATION OF LEASE FOR PART LOT 24 WI LIA SHED 1 & PART LOT 100 WI SOUTH END ROAD PRECINCT AREA 4 TO COCOSDAY ON THE BASIS THAT THE NEW LESSEE ACCEPTS ALL TERMS AND CONDITIONS AND ANY SPECIAL CONDITIONS OF THE CURRENT LEASE, INCLUDING THE LEASE EXPIRY DATE OF:
 - A. PART LOT 24 WI LIA SHED 1 – FIVE (5) YEARS OPTION WITH A FIVE (5) YEARS OPTION FROM 1 JULY 2018 TO 30 JUNE 2023, FURTHER OPTION EFFECTIVE FROM 1 JULY 2023 TO 20 JUNE 2028;
 - B. PART LOT 100 WI SOUTH END ROAD PRECINCT AREA 4 - FIVE (5) YEARS OPTION FROM 1 JULY 2023;
2. TO ADVISE THE NEW LESSEE THAT REGULAR INSPECTIONS OF COMMERCIAL TENANCY WILL BE UNDERTAKEN;
3. THAT A ONE-OFF LEASE ASSIGNMENT PREPARATION FEE OF \$260 PER LEASE IS PAYABLE BY THE LESSEE;
4. THE PURPOSE OF THE LEASE FOR:
 - A. PART LOT 24 WI LIA SHED 1 IS TO OPERATE A CAR HIRE BUSINESS INCLUDING WORKSHOP AREA FOR SERVICING OF OUTBOARD MOTORS AND REPAIRS TO CANOES AND OTHER VESSELS;
 - B. PART LOT 100 WI SOUTH END ROAD PRECINCT AREA 4 IS TO OPERATE A TOURISM BUSINESS;
5. TO ADVISE THE OUTGOING LESSEE THAT SHOULD ANY OUTSTANDING MONIES BE OWING TO THE SHIRE; THEY ARE TO BE PAID IN FULL; AND
6. THE SHIRE PRESIDENT AND OR CHIEF EXECUTIVE OFFICER TO SIGN AND AFFIX THE SHIRE OF COCOS (KEELING) ISLAND COMMON SEAL TO THE VARIATION OF LEASE DOCUMENT.

COUNCIL RESOLUTION -ITEM NO 15.2.1

MOVED CR LACY

SECONDED CR YOUNG

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

1. TO GRANT APPROVAL FOR A VARIATION OF LEASE FOR PART LOT 24 WI LIA SHED 1 & PART LOT 100 WI SOUTH END ROAD PRECINCT AREA 4 TO COCOSDAY ON THE BASIS THAT THE NEW LESSEE ACCEPTS ALL TERMS AND CONDITIONS AND ANY SPECIAL CONDITIONS OF THE CURRENT LEASE, INCLUDING THE LEASE EXPIRY DATE OF:
 - C. PART LOT 24 WI LIA SHED 1 – FIVE (5) YEARS OPTION WITH A FIVE (5) YEARS OPTION FROM 1 JULY 2018 TO 30 JUNE 2023, FURTHER OPTION EFFECTIVE FROM 1 JULY 2023 TO 20 JUNE 2028;
 - D. PART LOT 100 WI SOUTH END ROAD PRECINCT AREA 4 - FIVE (5) YEARS OPTION FROM 1 JULY 2023;

2. TO ADVISE THE NEW LESSEE THAT REGULAR INSPECTIONS OF COMMERCIAL TENANCY WILL BE UNDERTAKEN;
3. THAT A ONE-OFF LEASE ASSIGNMENT PREPARATION FEE OF \$260 PER LEASE IS PAYABLE BY THE LESSEE;
4. THE PURPOSE OF THE LEASE FOR:
 - C. PART LOT 24 WI LIA SHED 1 IS TO OPERATE A CAR HIRE BUSINESS INCLUDING WORKSHOP AREA FOR SERVICING OF OUTBOARD MOTORS AND REPAIRS TO CANOES AND OTHER VESSELS;
 - D. PART LOT 100 WI SOUTH END ROAD PRECINCT AREA 4 IS TO OPERATE A TOURISM BUSINESS;
5. TO ADVISE THE OUTGOING LESSEE THAT SHOULD ANY OUTSTANDING MONIES BE OWING TO THE SHIRE; THEY ARE TO BE PAID IN FULL; AND
6. THE SHIRE PRESIDENT AND OR CHIEF EXECUTIVE OFFICER TO SIGN AND AFFIX THE SHIRE OF COCOS (KEELING) ISLAND COMMON SEAL TO THE VARIATION OF LEASE DOCUMENT.

THE MOTION WAS PUT AND DECLARED CARRIED (7/0)

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

COUNCIL RESOLUTION

MOVED CR LACY

SECONDED CR YOUNG

THAT COUNCIL SUSPEND STANDING ORDERS, THE TIME BEING 5:22PM.

THE MOTION WAS PUT AND DECLARED CARRIED (7/0)

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

AGAINST: NIL

COUNCIL RESOLUTION

MOVED CR LACY

SECONDED CR YOUNG

THAT COUNCIL RESUME STANDING ORDERS, THE TIME BEING 5:45PM.

15.2.2 APPLICATION TO NEW LEASE TERMS FOR LOT 219 MAHOON RD, WEST ISLAND

Report Information

Date: 4 December 2023
 Location: Lot 219 Mahoon Road
 Applicant: Mr John Clunies-Ross
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: West Island
 Attachments: 15.2.2.1 - Application Request from Mr Clunies-Ross

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>
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Report Purpose

To seek Council approval for new lease terms for Lot 219 Mahoon Road, West Island.

Relevant Documents

Application Request from Mr Clunies-Ross.

Background

At the ordinary meeting on 19 April 2023 Council resolved the following:

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

- 1. TO GIVE LOCAL PUBLIC NOTICE OF THE INTENT (INCLUDING INVITING PUBLIC SUBMISSIONS) TO DISPOSE BY WAY OF LEASE FOR LOT 219 WEST ISLAND TO MR J CLUNIES-ROSS ON THE CONDITON THAT;-*
 - A. THE LEASE FEE BE SET AS PER THE RECOMMENDED VALUATION BY AN INDEPENDENT VALUER AT \$7,600.00 PER ANNUM. THE ANNUAL LEASE FEE IS SUBJECT TO AN ANNUAL CPI REVIEWS AND A ONE-OFF LEASE PREPARATION FEE OF \$260;*
 - B. THE LEASE TERM BEING TEN (10) YEARS;*
 - C. 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 FOR THE PURPOSE OF GENERAL PLANTATION AND HORTICULTURE;*
- 3. THAT SHOULD NO OBJECTIONS ARE 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 ARE APPROVED TO SIGN AND AFFIX THE SHIRE OF COCOS (KEELING) ISLAND COMMON SEAL TO THE NEW LEASE AGREEMENT DOCUMENT.*

Comment

On 8 November 2023, Mr John Clunies-Ross submitted a request to Council to review the lease terms for Lot 219 Mahoon Rd, West Island.

Mr Clunies-Ross’s submission is attached hereto and takes into account the costs and profitability of Lot 219 being used as a horticultural block. It should also be noted the extensive work, and challenges encountered to maintain the production of locally grown goods in this environment.

Mr Clunies-Ross continues to work with the local community for plantation harvesting and generous offers to the community and religious functions.

Mr Clunies-Ross is seeking approval to reduce the lease payment to \$1,000.00 per annum on a five (5) year term to commence in May 2024.

Policy and Legislative Implications

Section 3.58 of the *Local Government Act 1995 (WA) (CKI)*.

Financial Implications

Progressing with this lease arrangements will result in a reduction in revenue to the Shire from \$7,600.00 to \$1,000.00 per annum. The applicant meets the payment scheduled for his current lease and does not have any outstanding debt with the Shire.

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2022 – 2033.
Economic E2: To Work alongside local businesses to facilitate employment, growth, and development.

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Reputation	Not progressing with the lease in a timely manner could result in uncertainty for a key stakeholder who provides a good community service.	Moderate (8)	This item is being progressed as quickly as possible, while still observing legislative requirements.
Service Interruption	Without a lease, a demand of this service for the community could be disrupted.	Moderate (6)	This item is being progressed as quickly as possible, while still observing legislative requirements.

Compliance	The process for leasing does not comply with legislation.	Low (3)	The process outlined in this report is consistent with legislative requirements.
Property	The property is being used other than what it has been intended for.	Low (3)	Property inspection to be conducted annually.

Risk Matrix

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

Voting Requirements

Simple majority

Conclusion

It should be noted that Council, in this instance, is acting in its capacity as the Trustee of the 1984 Land Trust as the Land (Lot 219 West Island) is held in Trust. Council, in making any decision in relation to the Trust, must give due consideration of the purpose of the Trust, that is “upon trust for the benefit, advancement and wellbeing of the Cocos (Keeling) Islander’s resident in the Territory on land owned by the Council” and ensure their decision-making is guided by this objective. Council, acting in its capacity as Trustee, has the authority to consider matters relating to Land held in Trust.

The request to the new lease terms is presented to the Trust for consideration and the officer’s recommendation is the proposed annual lease payment and lease tenure is accepted.

OFFICER RECOMMENDATION – ITEM NO 15.2.2

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

1. THE NEW LEASE FEE OF \$1000.00 PER ANNUM. THE ANNUAL LEASE FEE IS SUBJECT TO AN ANNUAL CPI REVIEW AND A ONE-OFF LEASE PREPARATION FEE OF \$260; AND
2. THE NEW LEASE TERM OF FIVE (5) YEARS COMMENCING IN MAY 2024.

AMENDMENT TO MOTION/COUNCIL RESOLUTION -ITEM NO 15.2.2

MOVED CR LACY

SECONDED CR BADLU

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

1. THE LEASE FEE OF \$7600.00 PER ANNUM. THE ANNUAL LEASE FEE IS SUBJECT TO AN ANNUAL CPI REVIEW AND A ONE-OFF LEASE PREPARATION FEE OF \$260; AND
2. THE NEW LEASE TERM OF FIVE (5) YEARS COMMENCING ON ASSIGNMENT OF LEASE.
3. THE ANNUAL PAYMENT IS DUE IN MAY 2024.

THE MOTION WAS PUT AND DECLARED CARRIED (7/0)

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

AGAINST: NIL

REASON FOR VARIATION TO THE EXECUTIVE RECOMMENDATION: Council was hesitant to set a precedent that deviated from the established valuations, prioritising consistency in valuation practices. Council aimed to maintain fairness in decision-making processes related to valuations, avoiding potential disruptions that could arise from introducing changes in the valuation landscape.

15.3 TRUSTS FINANCE

15.3.1 PRESENTATION OF THE 2022/2023 SPECIAL PURPOSE FINANCIAL REPORTS OF THE 1979 AND 1984 LAND TRUSTS

Report Information

Date:	15 November 2023
Location:	Cocos (Keeling) Islands
Applicant:	Shire of Cocos (Keeling) Islands
File Ref:	
Disclosure of Interest:	Nil
Reporting Officer:	Manager Finance and Corporate Services
Island:	Shire wide
Attachments:	15.3.1.1 - 2022/23 1979 Land Trust and 1984 Land Trust Annual Financial Reports

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 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 seek Council (as Trustee) acceptance of the 1979 and 1984 Land Trust Annual Financial Statements for the 2022/2023 financial year and to receive the Audit Report on those Financial Statements.

Relevant Documents

Available for viewing at the meeting

Nil

Background

In order to satisfy the reporting responsibilities of the Shire as Trustee of the 1979 and 1984 Land Trusts, the Shire has prepared Special Purpose Financial Statements for the two Trusts.

The Shire has engaged Moore Australia to conduct an external audit of the financial statements. The Trust Statement of Comprehensive Income and the Statement of Financial Performance are also included in the Notes of the Shire Annual Financial Report.

Comment

The Special Purpose Financial Reports are included with the Agenda for Councillors’ perusal, consideration and acceptance.

Moore Australia have completed an audit of Shire’s (as Trustee) financial records for the financial year ending 30 June 2023 as pertaining to the Land Trusts. The Auditors Report was received on the 15 November 2023.

Policy and Legislative Implications

The Shire (as Trustee) has determined the Trusts are not reporting entities.

Financial Implications

Nil

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2022-2032
Civic Leadership Objective

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Reputation	The Annual Report is a primary source of information about the Shire for external stakeholders. Not providing a timely annual report could have adverse implications for the Shires reputation.	Low (3)	Ensure the timely adoption of the Annual report.
Compliance	The report is to be presented to Council within two months in order to comply with relevant legislation.	Low (3)	There are processes in place to ensure compliance with legislation.

Fraud	That the annual report incorporating the annual financial statements includes material misstatements and misrepresentations.	Low (3)	The annual financial statements are audited by the Office of the Auditor General and the statements included in the annual report show their stamp to verify they are the correct statements.
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Risk Matrix

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

Voting Requirements

Absolute Majority

Conclusion

The process has been compliant with statutory processes and the Audit Report states that the audit has been based on proper accounts and records. Therefore, the officer's recommendation is that Council (as Trustee) accepts the 2022/2023 Annual Financial Report of the 1979 Land Trust and the 1984 Land Trust.

OFFICER RECOMMENDATION – ITEM NO 15.3.1

THAT COUNCIL (AS TRUSTEE) BY ABSOLUTE MAJORITY, PURSUANT TO SECTION 5.54 OF THE LOCAL GOVERNMENT ACT 1995, RESOLVES TO:

1. ACCEPT THE 1979 LAND TRUST FINANCIAL REPORT PROVIDED BY THE SHIRE AUDITOR WEN-SHIEN CHAI OF MOORE AUSTRALIA AUDIT (WA) FOR THE 2022/2023 FINANCIAL YEAR;
2. ACCEPT THE 1984 LAND TRUST FINANCIAL REPORT PROVIDED BY THE SHIRE AUDITOR WEN-SHIEN CHAI OF MOORE AUSTRALIA AUDIT (WA) FOR THE 2022/2023 FINANCIAL YEAR.

COUNCIL RESOLUTION -ITEM NO 15.3.1

MOVED CR LACY

SECONDED CR SLOAN

THAT COUNCIL (AS TRUSTEE) BY ABSOLUTE MAJORITY, PURSUANT TO SECTION 5.54 OF THE LOCAL GOVERNMENT ACT 1995, RESOLVES TO:

- 1. ACCEPT THE 1979 LAND TRUST FINANCIAL REPORT PROVIDED BY THE SHIRE AUDITOR WEN-SHIEN CHAI OF MOORE AUSTRALIA AUDIT (WA) FOR THE 2022/2023 FINANCIAL YEAR;**
- 2. ACCEPT THE 1984 LAND TRUST FINANCIAL REPORT PROVIDED BY THE SHIRE AUDITOR WEN-SHIEN CHAI OF MOORE AUSTRALIA AUDIT (WA) FOR THE 2022/2023 FINANCIAL YEAR.**

THE MOTION WAS PUT AND DECLARED CARRIED BY ABSOLUTE MAJORITY (7/0)

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

AGAINST: NIL

