

Shire of Cocos (Keeling) Islands

Shire of Cocos (Keeling) Islands

Minutes

Ordinary Meeting of Council

Wednesday 25 September 2025, 4:00pm

Council Chambers, Shire Administration Building

Lot 256 Jalan Bunga Melati, Home Island

Disclaimer

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

OUR VALUES

Service

Provide the best service we can.

We serve the community and each other.

Accountability

We take responsibility for our own actions.

We do what we say we will do.

Mistakes are an opportunity to learn.

Support

We support our team and our community.

Look for opportunities to help each other.

Respect

We respect and value others.

Our interactions are always respectful towards others.

Integrity

We will be honest and transparent with all our dealings.

Maintain confidentiality.

Trust each other.

Achievement

Being proactive and enabling the outcomes.

Be creative and think outside the square.

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1. OPENING/ANNOUNCEMENTS OF VISITORS

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

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

President: Cr A Minkom

Deputy President: Cr I Minkom

Councillors: Cr Badlu
Cr Lacy
Cr Sloan
Cr Knight
Cr Young via Teams Meeting

Officers: Ibrahim Macrae, Manager Governance Risk and Planning
David Tombs, Manager Finance and Corporate Services
Kevin Wilson, Temporary Manager Finance and Corporate Services
Amallia Alim, Governance Administration Officer
Nadya Adim, Community Development Coordinator

Guests: Nil

Public: Nil

Apologies: Nil

Approved Leave of Absence: Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

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

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

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

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

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

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

Nil

5. LEAVE OF ABSENCE

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

5.1 LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Councillor	Date of Leave	Approved by Council
NIL		

5.2 APPLICATION FOR LEAVE OF ABSENCE

Nil

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING(S)

7.1 Ordinary Council Meeting held on 28 August 2024 - Attachment 7.1

OFFICER RECOMMENDATION – ITEM NO 7.1

THAT COUNCIL BY SIMPLE MAJORITY, PURSUANT TO SECTIONS 5.22(2) AND 3.18 OF THE *LOCAL GOVERNMENT ACT 1995 (WA)(CKI)*, RESOLVES THAT THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 AUGUST 2024 AS PRESENTED IN ATTACHMENT 7.1 BE CONFIRMED AS A TRUE AND RECORD OF PROCEEDINGS.

COUNCIL RESOLUTION – ITEM NO 7.1

MOVED CR LACY

SECONDED CR I. MINKOM

THAT COUNCIL BY SIMPLE MAJORITY, PURSUANT TO SECTIONS 5.22(2) AND 3.18 OF THE LOCAL GOVERNMENT ACT 1995 (WA)(CKI), RESOLVES THAT THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 26 JUNE 2024 AS PRESENTED IN ATTACHMENT 7.1 BE CONFIRMED AS A TRUE AND CORRECT RECORD OF PROCEEDINGS.

THE MOTION WAS PUT AND DECLARED CARRIED (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 SEPTEMBER 2024

Report Information

Date: 20 September 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Chief Executive Officer
 Island: Shire wide
 Attachments: 10.1.1.1 - Parks Australia Advisory Committee TOR letter
 10.1.1.2 - CKI Advisory Committee TOR
 10.1.1.3 - STRA Register Fact sheet IOTs

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 Council with an update of the actions of the Chief Executive Officer for the August/September 2024 reporting period.

Relevant Documents

Available for viewing at the meeting.

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.

Australian Federal Police

Met with Acting Sergeant Dan Williams, Inspector Dave Reis, and Superintendent Alison Craft to discuss Shire Police relationships and other matters of interest for the Cocos (Keeling) Islands. A key meeting for both parties to continue the collaborative relationship between both organisations.

Department of Infrastructure, Transport, Regional Development, Communications, and the Arts (DITRDCA)

- Changing of the guard – advice was received on 30 August 2024 from Sarah Vandenbroek, First Assistant Secretary, Territories Division:

This email is to let you know that this week is my last week in Territories Division. From next Monday, Kim Forbes will replace me as the First Assistant Secretary for the Territories Division. As you know, Kim has worked with the IOTs in the past and is familiar with the opportunities and challenges that the Cocos (Keeling) Islands offer.

It has been a privilege to work with you and to learn about the amazing Cocos (Keeling) Islands. Thank you for the open and frank conversations that we have had and that I'm sure will continue as you work with Kim and Territories Division going forward.

- Payment of Waste Management Fees – advice was received 30 August 2024 from the Minister for Infrastructure, Catherine Hill MP's office:

A response to the letter sent by President Aindil Minkom to the Minister regarding the non-payment of waste management fees by the Commonwealth has been written and it is with the Minister for Territories for signing.

Fulton Hogan

The scheduled Monthly Construction Touchpoint with the Shire in connection with all things Construction, including approvals and such like, teams meeting, failed to eventuate for the third month in a row. Enquiries will now be conducted with Fulton Hogan to make sure future meetings occur.

Legacy Aircraft

Met with Stuart Howe who is an engineering contractor with Boarder Force and has been on West Island for a short period of time. Mr. Howe has identified old aircraft parts scattered around the Northern end of the runway and advised - *A little research of mine, has found that these parts belong to Liberator B-24's aircraft, operated by the RAF in 1944-45.*

Further research by Mr. Howe indicates:

"Having the opportunity to research WW2 aircraft in relation to the Cocos Keeling Islands and the history of operational squadrons here.

Knowing that RAF #136 fighter squadron was based here in mid-1944 with 12 Spitfires gave me an idea that some remains of these aircraft may still be present.

Having beach combed the island several times, I have managed to locate the remains of a long-range Spitfire more than likely left behind in 1945 when 136 Squadron deployed to Malaysia in chase of the retreating Japanese.

There were 4 Spitfire aircraft incidents when the Squadron was based at Cocos. Two of which collided mid-air on a training flight around the island when flying into cloud. One of these aircraft made it back to the aerodrome for a crash landing and the other pilot bailed out and was rescued at sea.

Another crash happened when the Squadron Leader landed in a strong cross wind, ground looped his plane and flipped upside down. He was trapped inside his Spitfire until help arrived but survived.

The fourth Spitfire incident was not recorded but believed to be another landing mishap.

The intent of this email is to bring to the attention of all, that the wreck I have found has historical significance to Cocos Keeling Islanders and also in a broader sense, to Australia.

The Spitfire wreck (or the parts left on a beach) represent a turning point in the war. With the Japanese having already bombed Home Island and killing two civilians in 1944, the formation of a Spitfire Squadron later in 1944 acted as a convincing deterrent to the Japanese.

As the wreck is located towards the high tide water mark on a beach, I don't see any environmental impact concerns regarding recovery of these parts compared to removal the of thousands of tons of Steel Marston Matting from the lagoon here.

I have found a Rolls Royce Merlin engine block, and a R/H wing from a Spitfire left here by the RAF.

Please pass this email on to any interested parties”.

Ministerial visit to Cocos (Keeling) Islands

- Advice received on 2 September 2024 from Gabrielle Said, Caucas Liaison Officer – Program Manager – Office of Hon Kristy McBain MP:

Thank you for getting in contact and for the call last week.

As previously mentioned, dates have not been finalised for the trip as yet, but we will be looking to consider a date in the coming weeks.

We will take into consideration both yours and the Shire President’s travel plans to Melbourne. In the meantime, please do not hesitate to get in contact.

Office of the Information Commissioner

Attended a meeting with Alison McCubbin from the Office of the Information Commissioner to discuss the Shire’s need and process for lodging applications under the Freedom of Information Act. Ms McCubbin also conducted a presentation and general briefing for staff about Freedom of Information.

Parks Australia

A request has been received from Michael Misso, Director, Indian Ocean Territory Marine Parks, Parks Australia, for endorsement of a Parks Australia Cocos (Keeling) Islands advisory committee Terms of Reference (TOR).

A copy of the formal letter of request from Shaun Barclay, Branch Head, Marine and Island Parks Branch, Parks Australia is attached as well as a copy of the proposed Terms of Reference for a joint committee, to provide advice and recommendations to Parks Australia for the management of Pulu Keeling National Park (PKNP) and Cocos (Keeling) Islands Marine Park (CKIMP). See Attachments 10.1.1.1 and 10.1.1.2.

Short Term Rental Accommodation (STRA) Register

Attended a team's meeting with staff, Ibrahim Macrae and Suzie Bulka, Mark Wootten Department of Energy, Mines, Industry Regulation and Safety, Peter Wood, Lucy Gunn and Patrick McClure, Department of Lands and Planning and Heritage, Felix Neuweiller and David Chidlow, Shire engaged Planning consultants.

The purpose of the meeting was to discuss the introduction of the Short-Term Rental Accommodation (STRA) Register. (Facts sheets have been attached to this report. See Attachment 10.1.1.3) The following links provide further information as well.

<https://www.planning.wa.gov.au/planning-reform/short-term-rental-accommodation-planning-reforms>

<https://www.wa.gov.au/government/document-collections/short-term-rental-accommodation>

What is Short-Term Rental Accommodation (STRA)?

Short-term rental accommodation (STRA) is when you rent out your property (or part of your property) for a short time, usually on a nightly or weekly basis. Bookings are usually made using online booking platforms and are popular among people visiting the IOT for holidays, business trips or other short stays.

Why do we need a STRA Register?

The Short-Term Rental Accommodation (STRA) Register will help the Western Australian (WA) Government gather information on the STRA sector. We need this information to get a good, clear picture of this sector to inform our decision-making and provide the community with information about the STRA premises operating in their area. It also ensures providers are aware of their local laws and planning controls.

STRA includes:

- *Granny flats (ancillary dwellings)*
- *Holiday Houses, Units, Townhouses*
- *Bed and Breakfasts*
- *Individually managed premises*

STRA doesn't include:

- *Hotels (including apartment Hotels) and Motels*
- *Premises used exclusively for workforce and student accommodation*
- *Premises used exclusively for crisis accommodation*

The register opened on 1 July 2024 and registration of STRA premises will become mandatory on 1 January 2025. The initial registration fee is \$250. The cost to renew each year is \$100.

Comment

The information from Mr. Howe has been passed to the Commonwealth and Museums WA to see if there is interest there in preserving the identified spitfire parts. A response from the

land management area on Christmas Island for advice and action will be provided in due course.

STRA will require all Granny flats (ancillary dwellings), Holiday Houses, Units, Townhouses and Bed and Breakfasts to be registered by 1 January 2025. The onus on registration will fall on the business owner.

Policy and Legislative Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority

OFFICER RECOMMENDATION – ITEM NO 10.1.1

THAT COUNCIL, BY SIMPLE MAJORITY:

1. NOTE AND RECEIVE THIS REPORT.
2. THAT COUNCIL ADVISE IF THE SUPPORT THE PROPOSED TERMS OF REFERENCE FOR A JOINT COMMITTEE, TO PROVIDE ADVICE AND RECOMMENDATIONS TO PARKS AUSTRALIA FOR THE MANAGEMENT OF PULU KEELING NATIONAL PARK (PKNP) AND COCOS (KEELING) ISLANDS MARINE PARK (CKIMP).

COUNCIL RESOLUTION – ITEM NO 10.1.1

MOVED CR SLOAN

SECONDED CR LACY

THAT COUNCIL, BY SIMPLE MAJORITY:

1. NOTE AND RECEIVE THIS REPORT.
2. THAT COUNCIL ADVISE IF THE SUPPORT THE PROPOSED TERMS OF REFERENCE FOR A JOINT COMMITTEE, TO PROVIDE ADVICE AND RECOMMENDATIONS TO PARKS AUSTRALIA FOR THE MANAGEMENT OF PULU KEELING NATIONAL PARK (PKNP) AND COCOS (KEELING) ISLANDS MARINE PARK (CKIMP).

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

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

AGAINST: NIL

10.1.2 LOCAL GOVERNMENT ELECTIONS – REVIEW OF WALGA ADVOCACY POSITIONS

Report Information

Date: 17 September 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Chief Executive Officer
 Island: Shire wide
 Attachments: 10.1.2.1 - Advocacy Positions for a New Local Government Act
 10.1.2.2 - WALGA submission: Local Government Reform Proposal (February 2022)

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

Relevant Documents

Available for viewing at the meeting.

Nil

Background

The *Local Government Amendment Act 2023* introduced a range of electoral reforms that came into effect prior to the 2023 Local Government ordinary elections:

- the introduction of Optional Preferential Voting (OPV);
- extending the election period to account for delays in postal services;

- changes to the publication of information about candidates;
- backfilling provisions for extraordinary vacancies after the 2023 election;
- public election of the Mayor or President for larger Local Governments;
- abolishing wards for smaller Local Governments; and
- aligning the size of councils with the size of populations of each Local Government (change to representation)

Following requests from several Zone's, WALGA undertook a comprehensive review and analysis of 5 ordinary election cycles up to and including the 2023 Local Government election against the backdrop of these legislative reforms. The review and report focused on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), with the analysis finding evidence of the rising cost and a reduction in service of conducting Local Government elections in Western Australia.

Comment

The Elections Analysis Review and Report was presented to State Council 4 September 2024, with State Council supporting a review of WALGA's Local Government Elections Advocacy Positions.

WALGA is requesting Councils consider the current and alternative Elections Advocacy Positions and provide a response back to WALGA for the December 2024 State Council meeting.

WALGA State Council current advocacy positions:

The following is a summary of WALGA's current Advocacy Positions in relation to Local Government Elections:

2.5.15 ELECTIONS

Position Statement	The Local Government sector supports: <ol style="list-style-type: none">1. Four year terms with a two year spill2. Greater participation in Local Government elections3. The option to hold elections through:<ul style="list-style-type: none">• Online voting• Postal voting, and• In-person voting4. Voting at Local Government elections to be voluntary5. The first past the post method of counting votes
--------------------	---

The Local Government sector opposes the introduction of preferential voting, however if 'first past the post' voting is not retained then optional preferential voting is preferred.

Background	The first past the post (FPTP) method is simple, allows an expression of the electorate's wishes and does not encourage tickets and alliances to be formed to allocate preferences.
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State Council Resolution	February 2022 – 312.1/2022 December 2020 – 142.6/2020
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March 2019 – 06.3/2019
December 2017 – 121.6/2017
October 2008 – 427.5/2008

2.5.16 METHOD OF ELECTION OF MAYOR

Position Statement Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.

State Council Resolution February 2022 – 312.1/2022
March 2019 – 06.3/2019
December 2017 – 121.6/2017

2.5.18 CONDUCT OF POSTAL ELECTIONS

Position Statement The Local Government Act 1995 should be amended to allow the Australian Electoral Commission (AEC) and any other third-party provider including Local Governments to conduct postal elections.

Background Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market.

State Council Resolution May 2023 – 452.2/2023
March 2019 – 06.3/2019
December 2017 – 121.6/2017
March 2012 – 24.2/2012

WALGA has requested the following advocacy positions be considered by Councils:

1. PARTICIPATION

- (a) The sector continues to support voluntary voting at Local Government elections.
OR
- (b) The sector supports compulsory voting at Local Governments elections.

2. TERMS OF OFFICE

- (a) The sector continues to support four-year terms with a two-year spill;
OR
- (b) The sector supports four-year terms on an all in/all out basis.

3. VOTING METHODS

- (a) The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general elections
OR
- (b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.

4. INTERNAL ELECTIONS

(a) The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.

OR

(b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections.

5. VOTING ACCESSIBILITY

The sector supports the option to hold general elections through:

(a) Electronic voting; and/or

(b) Postal voting; and/or

(c) In-Person voting.

6. METHOD OF ELECTION OF MAYOR

The sector supports:

(a) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors method), with regulations preventing a change in this method.

(b) Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.

(c) Apply current provisions to all Bands of Local Governments – apply the election by electors method to all classes of local governments.

Policy and Legislative Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM NO 10.1.2

THAT THE SHIRE OF COCOS (KEELING) ISLANDS RECOMMENDS THAT WALGA ADOPT THE FOLLOWING LOCAL GOVERNMENT ELECTION ADVOCACY POSITIONS:

1. PARTICIPATION – COUNCIL SUPPORT ADVOCACY POSITION (A)
2. TERMS OF OFFICE - COUNCIL SUPPORT ADVOCACY POSITION (A)
3. VOTING METHODS - COUNCIL SUPPORT ADVOCACY POSITION (A)
4. INTERNAL ELECTIONS - COUNCIL SUPPORT ADVOCACY POSITION (A)
5. VOTING ACCESSIBILITY - COUNCIL SUPPORT ADVOCACY POSITION (C)
6. METHOD OF ELECTION OF MAYOR - COUNCIL SUPPORT ADVOCACY POSITION (A)

COUNCIL RESOLUTION – ITEM NO 10.1.2

MOVED CR BADLU

SECONDED CR I. MINKOM

THAT THE SHIRE OF COCOS (KEELING) ISLANDS RECOMMENDS THAT WALGA ADOPT THE FOLLOWING LOCAL GOVERNMENT ELECTION ADVOCACY POSITIONS:

1. PARTICIPATION – COUNCIL SUPPORT ADVOCACY POSITION (A)
2. TERMS OF OFFICE - COUNCIL SUPPORT ADVOCACY POSITION (A)
3. VOTING METHODS - COUNCIL SUPPORT ADVOCACY POSITION (A)
4. INTERNAL ELECTIONS - COUNCIL SUPPORT ADVOCACY POSITION (A)
5. VOTING ACCESSIBILITY - COUNCIL SUPPORT ADVOCACY POSITION (C)
6. METHOD OF ELECTION OF MAYOR - COUNCIL SUPPORT ADVOCACY POSITION (A)

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

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

AGAINST: NIL

10.1.3 COMMUNITY DEVELOPMENT REPORT AUGUST/SEPTEMBER 2024

Report Information

Date: 17 September 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Community Development Coordinator
 Island: Shire wide
 Attachments: 10.1.3.1 - Nek Ainul's Boat Support
 10.1.3.2 - Museum Report Visit August 2024
 10.1.3.3 - BAC Cabinets
 10.1.3.4 - Custodial Care Deed
 10.1.3.5 - School Holiday Programs Term 3 2024

Authority / Discretion

Definition

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

Report Purpose

To provide Council with an update on the programs and events within the Community Development Team for August/September 2024.

Community Development Coordinator Updates

R U OK Day: The 2024 R U OK Day event was a great success, held on Saturday, 14 September at Sandy Point, Home Island. The day was filled with fun, featuring beach games, activities with prizes, a community morning tea, and a BBQ. A total of 85 community members and visitors attended. The event was organised in collaboration with IOTHS, providing valuable insight into the importance of R U OK Day. Leah Hobbs, the Community Health Nurse, also

delivered an address on the significance of the event and offered resources to support anyone in need.

Territory Week: The Community Development Team will be traveling to Christmas Island for Territory Week from the 4 - 8 October. The weekend will be a celebration of Cocos traditions, while also offering the opportunity to explore the diverse cultures of Christmas Island.

Community Development Officer – Culture and Heritage

Projects:

- Jukong restoration Project/Chula Shed
- Museum
- ASDD Book

Jukong Restoration Project/Chula Shed:

- Nek Callum continues to make good progress. Selarang is on hold while we await the arrival of a shipment of paint that Tim Eastwood has sent. Nek Callum has commenced work on Fashion Baru in the meantime, stripping paint and prepping the timber.
- As both boats (Selarang and Fashion Baru) are/were in reasonable condition, it has been quite a streamlined process of paint stripping with a sander, filling any gaps and sanding back to create a smooth finish. Then painting in traditional colours.
- Nek Ainul continues to work through the boat support frames to provide a safe storage system for the boats to improve longevity. [Please review attachment 10.1.3.1]
- In collaboration with Tim Eastwood, we are looking to secure the Chula Shed to enable use and installation of power tools. Design currently being worked through to accommodate locally accessible materials to find a cost effective yet effective solution.

Museum:

- We require feedback on the branding package for the Museum as this will inform design decisions moving forward.
- Niamh is working through a style guide for the Museum which will provide templates and standards for signage and fonts to be used throughout the Museum. This will create continuity throughout the gallery and should allow it to continue moving forward. Once we have received approval for the branding package, this will inform the style also.
- Niamh attended training at the WA Museum between 23rd-30th of August. The experience was incredible positive, and she learnt several things which she will look to implement in the Pulu Kokos Museum. She has written a summary of the trip which can be viewed as an attachment. [Please review attachment 10.1.3.2]
- The WA Museum have several dedicated/specialised storage cabinets for objects. One that stood out is the BAC Cabinet, which is made up of several drawers, allowing objects to be stored securely and safely and require minimal touching/interference. The cabinets are expensive but provide a good quality of storage that we do not currently have. Something to consider for future. Quote for entry level cabinets available as attachment. [Please review attachment 10.1.3.3]
- Niamh will look to run through the Salt scraping procedure after discussing with Iku and Luluk. Iku will be able to assist with this process once he has been formally inducted. On 12/09/24, Custodial Care for the Jukong Plans was signed over to the WA Museum. The WA Museum has arranged for the stabilisation of the drawings, and

they are being stored securely at their Collection Store facility in Welshpool. A copy of the agreement can be viewed as an attachment. [Please review attachment 10.1.3.4)

- Bentley to install and AC unit in the retail centre Museum storeroom. PO raised so just awaiting his return from the mainland.

ASDD Book:

- ASDD book is close to complete. Just working through the final translations and adjusting the graphic design to suit. Looking at end of September to finalise.

Youth & Recreation Officer

Brief introduction:

I am Anita, or as I am known by my kampong name, Mak Mus. I am the new Youth & Recreation Officer at the Shire. I joined the team in early September this year, though many of you know that I have lived on Cocos since 2001 with my husband, Shakirin Keegan, the Fisheries Ranger, and our four children.

In my role, I aim to encourage children to be more engaged and active, especially during school holiday programs and other community events organised by the Shire. I have previously worked with the Shire as a relief Admin Officer, and I feel privileged to be part of the team again.

Although I have only recently started, I am excited to share that my first community event, in collaboration with IOTHS for R U OK? Day was a great success. We had strong participation from both children and parents, which made the day truly memorable.

With the upcoming school holidays, I have planned the following School Holiday Program for Term 3 (Program attached 10.1.3.5):

- Monday 30 Sept – Pizza Scrolls Cooking Class (West Island)
- Tuesday 1 Oct – Cheese & Cinnamon Twists Cooking Class (Home Island)
- Wednesday 2 Oct – Movie Night at The Big Barge (West Island)
- Friday 4 Oct – Fishing Lessons with Cocos Marine Care (West Island Jetty)
- Friday 4 Oct – Twilight Basketball (Home Island)
- Monday 7 Oct – Rock Paintings (Home Island Foreshore)

I am excited about organising my first event and really looking forward to seeing many of the school kids during these programs.

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	Budget allocations may be significantly exceeded.	Moderate (6)	Variances are monitored and reported to Council monthly for corrective action.
Reputation	The monthly financial statements are subject to public scrutiny.	Low (3)	Procedures are in place to ensure all Expenditure is justifiable.

Compliance	The report must be presented to Council within two months to comply with legislation.	Low (3)	Processes are in place to ensure compliance with relevant legislation.
Fraud	Risk of report manipulation.	Low (3)	Interim and end-of- Year audits are conducted.

Risk Matrix

Consequence / Likelihood	Insignificant (1)	Minor (2)	Medium (3)	Major (4)	Extreme (5)
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 10.1.3

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

COUNCIL RESOLUTION – ITEM NO 10.1.3

MOVED CR I. MINKOM

SECONDED CR BADLU

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

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 – AUGUST 2024

Report Information

Date:	12 September 2024
Location:	Cocos (Keeling) Islands
Applicant:	Shire of Cocos (Keeling) Islands
File Ref:	
Disclosure of Interest:	
Reporting Officer:	Manager Finance & Corporate Services
Island:	Shire Wide
Attachments:	10.2.1.1 - Monthly Financial Report –August 2024 10.2.1.2 – CONFIDENTIAL – Note 12 Additional Information Council

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 August 2024, which includes rating, investment, reserve, debtor, and general financial information to Elected Members in accordance with Section 6.4 of the *Local Government Act 1995 (WA) (CKI)*.

Relevant Documents

Available for viewing at the meeting.

Nil

Background

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

Comment

The period of review is August 2024. The current closing municipal surplus for this period is \$4,486,108 compared to a budget position of \$0.

Income for the period year to date is \$5,152,130 which is made up \$5,152,130 in operating revenues and \$0 capital grants. The budget estimated \$4,694,932 would be received for the same period. The variance to budget is \$457,198.

Expenditure for the period year to date is \$1,393,668 excluding depreciation. This is made up of \$1,347,800 in operating expenditure and \$45,868 in capital expenditure. The budget estimated \$2,047,044 would be spent for the same period. The variance to budget is \$699,244.

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

Policy and Legislative Implications

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

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

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

Strategic Implications

Nil

Risk Implications

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

Risk Matrix

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

Voting Requirements

Simple majority.

Conclusion

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

OFFICER RECOMMENDATION – ITEM NO 10.2.1

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996* RECEIVES:

1. THE MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 MAY 2024, AS CONTAINED IN ATTACHMENT 10.2.1.1; AND
2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 31 MAY 2024, AS CONTAINED IN ATTACHMENT 10.2.1.1.

COUNCIL RESOLUTION – ITEM NO 10.2.1

MOVED CR LACY

SECONDED CR SLOAN

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996* RECEIVES:

- 1. THE MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 MAY 2024, AS CONTAINED IN ATTACHMENT 10.2.1.1; AND**
- 2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 31 MAY 2024, 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 SCHEDULE OF ACCOUNTS PAID FOR THE PERIOD AUGUST 2024

Report Information

Date: 13 September 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Senior Finance Officer
 Island: Shire Wide
 Attachments: 10.2.2.1 - Schedule of Accounts paid August 2024

Authority / Discretion

Definition

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

Report Purpose

The purpose of this report is to present to Council a list of accounts paid under delegated authority for the period August 2024, as required by the *Local Government (Financial Management) Regulations 1996*.

Relevant Documents

Available for viewing at the meeting.

Nil

Background

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

Comment

The following table summarises the payments for the period by payment type, with further details of the accounts paid contained within Attachment 10.2.2.1.

Payment Type	Amount (\$)
EFT Payments #10875 to #10940	\$349,827.75
Direct Debit Payment	\$63,901.69
Cheque Payment 11750 – 11753	\$15,354.00
Total Payments	\$429,083.44

Contained within Attachment 10.2.2.1 is a detailed transaction listing of payments, including credit card expenditure and fuel card expenditure as per the Summary table above.

Policy and Legislative Implications

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

Strategic Implications

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

Objective L2: To ensure that Shire resources are utilised in a manner that represents the best interest of the whole community.

Risk Implications

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

Risk Matrix

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

Voting Requirements

Simple majority.

Conclusion

It is recommended that Council receives the reports provided for the period August 2024

OFFICER RECOMMENDATION – ITEM NO 10.2.2.

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO REGULATION 13(1) OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*:

1. RECEIVES THE REPORT FROM THE CHIEF EXECUTIVE OFFICER ON THE EXERCISE OF DELEGATED AUTHORITY IN RELATION TO PAYMENTS MADE FROM MUNICIPAL OR TRUST FUNDS FOR THE PERIOD AUGUST 2024 TOTALLING \$429,083.44 AS CONTAINED IN ATTACHMENT 10.2.2.1.
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD AND FUEL CARD EXPENDITURE FOR THE PERIOD AUGUST 2024, AS CONTAINED IN ATTACHMENT 10.2.2.1.

COUNCIL RESOLUTION – ITEM NO 10.2.2

MOVED CR BADLU

SECONDED CR LACY

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO REGULATION 13(1) OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*:

- 1. RECEIVES THE REPORT FROM THE CHIEF EXECUTIVE OFFICER ON THE EXERCISE OF DELEGATED AUTHORITY IN RELATION TO PAYMENTS MADE FROM MUNICIPAL OR TRUST FUNDS FOR THE PERIOD AUGUST 2024 TOTALLING \$429,083.44 AS CONTAINED IN ATTACHMENT 10.2.2.1.**
- 2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD AND FUEL CARD EXPENDITURE FOR THE PERIOD AUGUST 2024, 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

10.3 MANAGER INFRASTRUCTURE

Nil

11. MINUTES TO BE RECEIVED

Nil

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

Nil

13. MOTIONS WITHOUT NOTICE WITH LEAVE OF COUNCIL

Nil

14. MATTERS BEHIND CLOSED DOOR

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

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

PROCEDURAL MOTION

MOVED CR I.MINKOM

SECONDED CR BADLU

THAT COUNCIL BY SIMPLE MAJORITY, RESOLVES TO MOVE BEHIND CLOSED DOORS AT 4:24PM IN ACCORDANCE WITH SECTION 5.23(2) OF THE LOCAL GOVERNMENT ACT 1995 AND SECTION 5.2(1) OF THE SHIRE OF COCOS (KEELING) ISLANDS MEETING PROCEDURES LOCAL LAW 2019 THAT THE FOLLOWING REPORTS ARE CONFIDENTIAL.

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

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

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 4:34PM.

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

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

AGAINST: NIL

14.1 CIVIC LEGAL – LEGAL MATTERS

Report Information

Date: 15 June 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Chief Executive Officer
 Island: Shire wide
 Attachments: Confidential – Circulated under separate cover

Authority / Discretion

Definition

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

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–

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and

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

(i) a trade secret; or

(ii) information that has a commercial value to a person; or

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

OFFICER RECOMMENDATION – ITEM NO 14.1

AS PER THE CONFIDENTIAL ITEM.

COUNCIL RESOLUTION – ITEM NO 14.1

MOVED CR LACY

SECONDED CR I. MINKOM

THAT COUNCIL, BY ABSOLUTE MAJORITY, APPROVE THE CHIEF EXECUTIVE OFFICER TO CORRESPOND WITH ENIC COCOS (KEELING) ISLANDS PTY LTD (VERISIGN) AND FORMALLY REQUEST THE APPOINTMENT OF A REPLACEMENT TRUSTEE FROM CIA TO THE SHIRE OF COCOS (KEELING) ISLANDS, IN ACCORDANCE WITH THE TERMS OF THE 12 JUNE 2005 TRUST DEED, AS OUTLINED IN THIS REPORT.

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

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

AGAINST: NIL

15. MATTERS RELATING TO THE LAND TRUSTS

Nil



MATTERS RELATING TO THE LAND TRUST 1979 AND LAND TRUST 1984

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

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

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

15.1 TRUSTS ADMINISTRATION

15.1.1 CONFIDENTIAL - CIVIC LEGAL AND OTHER – LAND TRUST DEEDS AND HOUSING REPORT

Report Information

Date: 10 September 2024
 Location: Cocos (Keeling) Islands
 Applicant: Chief Executive Officer
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Chief Executive Officer
 Island: Shire wide
 Attachments: Confidential – Circulated under separate cover

Authority / Discretion

Definition

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

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

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

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and

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

(i) a trade secret; or

- (ii) *information that has a commercial value to a person; or*
- (iii) *information about the business, professional, commercial or financial affairs of a person,*

OFFICER RECOMMENDATION – ITEM NO 15.2.1

AS PER THE CONFIDENTIAL ITEM.

COUNCIL RESOLUTION – ITEM NO 15.2.1

MOVED CR I. MINKOM

SECONDED CR YOUNG

THAT COUNCIL, BY SIMPLE MAJORITY:

1. REQUEST CIVIC LEGAL TO PROGRESS A *FREEDOM OF INFORMATION ACT* APPLICATION WITH THE COMMONWEALTH OF AUSTRALIA REGARDING THE \$2 MILLION SUPPLEMENTARY CONTRIBUTION TO THE \$8 MILLION PROVIDED BY THE COMMONWEALTH FOR THE CONSTRUCTION OF HOUSES IN THE KAMPONG.
2. NOTE AND RECEIVE THE REMAINDER OF THE REPORT.

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

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

AGAINST: NIL

