

Shire of Cocos (Keeling) Islands

Shire of Cocos (Keeling) Islands

Minutes

Ordinary Meeting of Council

Wednesday 13 December 2023, 4:00pm

Council Chambers, Shire Administration Building

Lot 256 Jalan Bunga Melati, Home Island

Disclaimer

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

OUR VALUES

Service

Provide the best service we can.

We serve the community and each other.

Accountability

We take responsibility for our own actions.

We do what we say we will do.

Mistakes are an opportunity to learn.

Support

We support our team and our community.

Look for opportunities to help each other.

Respect

We respect and value others.

Our interactions are always respectful towards others.

Integrity

We will be honest and transparent with all our dealings.

Maintain confidentiality.

Trust each other.

Achievement

Being proactive and enabling the outcomes.

Be creative and think outside the square.

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1. OPENING/ANNOUNCEMENTS OF VISITORS

The Presiding Member declared the meeting open at 4:20pm 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 Young

Officers: Ibrahim Macrae, Acting Chief Executive Officer
Vikki Lauritsen, Manager Finance and Corporate Services
Martin Faulkner, Manager Infrastructure
Adim Hajat, Community Development Coordinator
Azia Bulka, ICT Coordinator

Guests: Nil

Public: 1

Visitors: Nil

Apologies: Frank Mills, Chief Executive Officer

Approved Leave of Absence: Cr Lacy

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
Cr Lacy	5 to 18 December 2023	29 November 2023

5.2 APPLICATION FOR LEAVE OF ABSENCE

Cr Knight formally requested a leave of absence for the period from 16 January 2024 to 16 April 2024.

COUNCIL RESOLUTION – ITEM NO 5.2

MOVED CR I MINKOM

SECONDED CR A BADLU

THE COUNCIL, APPROVED CR KNIGHT'S LEAVE REQUEST FOR THE PERIOD FROM 16 JANURAY 2024 TO 16 APRIL 2024.

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

FOR: BADLU, KNIGHT, 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 29 November 2023 - 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 29 NOVEMBER 2023 AS PRESENTED IN ATTACHMENT 7.1 BE CONFIRMED AS A TRUE AND CORRECT RECORD OF PROCEEDINGS.

COUNCIL RESOLUTION – ITEM NO 7.2

MOVED CR I MINKOM

SECONDED CR KNIGHT

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 29 NOVEMBER 2023 AS PRESENTED IN ATTACHMENT 7.1 BE CONFIRMED AS A TRUE AND CORRECT RECORD OF PROCEEDINGS.

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

FOR: BADLU, KNIGHT, 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
CR I Minkom	10.1.3	Impartiality	Employee f Parks Australia/Marine Park

10. REPORT FROM COMMITTEES AND OFFICERS

10.1 CHIEF EXECUTIVE OFFICER

10.1.1 CEO UPDATE - NOVEMBER 2023

Report Information

Date: 4 December 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: 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 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 October/November 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.

Cocos Co-operative Society

Met with Manager Ron Grant to discuss the programming of a joint venture to see the Co-op and Shire join to remove the "old mosque" from site. This venture would see the co-op removing the asbestos and bundling it for Shire removal to the mainland for deep burial.

Department of Water and Environmental Regulation

Met with Tim Francis to discuss water lenses, waste disposal, waste burial and the waste management strategy for the Indian Ocean Territories.

Community Meeting

On 9 November 2023, held an open community meeting on West Island to discuss the ongoing boat ramp issue. This meeting was not as well attended as the previous meeting, but nevertheless very positive discussions were held. Coming out of the meeting was:

- The Shire will continue to maintain as best as possible the panels on the temporary ramp for as long as needed,
- The Shire will remove the sandbags from the Rumah Baru ramp and see what nature does with sand movement,
- We will wait and see what affect the MOF has on the ramp at Rumah Baru before progressing with an application for a new ramp at Mahoon Rd or if community desires, we will progress with a developing a detailed project plan for a new boat ramp at Mahoon Road anyway.
- We will take a request to Council to remove the coconut trees as identified yesterday at the temporary ramp and make a car and trailer park as best as possible,
- We will lobby WA Transport to fund boat ramp upgrade on West Island, and
- We will have a look at the ramp behind the Met Station, to try and make it operative.

At this point in time, there are sufficient funds in the WI Boat Ramp budget for 2023 – 2-24 to cover these works as follows:

- Clearing vegetation at Mahoon Road - \$7K
- Quarterly Maintenance – lift and relay (\$5K) - \$15K
- Repair Southend Boat Ramp - \$5K
- Remove remaining sandbags at Rumah Baru - \$5K

Indian Ocean Territories Administrator

40th Anniversary Act of Self Determination Day (ASDD) – April 2024 sees the 40th anniversary of the ASDD for the Cocos Malay of the Cocos (Keeling) Islands. To plan an appropriate period of celebration, the Persatuan Kebudayaan Pulu Kokos (PKPK) committee have been in consultation with Council. A request from PKPK if for the ASDD normal public holiday (6 April each year) to be changed to 29 April 2024.

For this to occur, permission must be sought from the Administrator of the Indian Ocean Territories by way of council resolution.

Department of Infrastructure, Transport, Regional Development, Communications, and the Arts

Continued dialogue with the Department of Infrastructure, Transport, Regional Development, Communications, and the Arts on a range of issues without any satisfactory resolution achieved. Due to the complexity of some of the matters, a brief is being prepared for a workshop and Special Council Meeting to discuss and determine action to be taken.

Acting Chief Executive Officer

With the Chief Executive Officer of the Shire taking annual leave from 01 December to 18 December 2023, the Acting Chief Executive Officer for this period will be the Manager for Governance, Planning and Risk, Ibrahim Macrae.

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, NOTE AND RECEIVES THE CEO REPORT.

COUNCIL RESOLUTION – ITEM NO 10.1.1

MOVED CR I MINKOM

SECONDED CR KNIGHT

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

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

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

AGAINST: NIL

10.1.2 COMMUNITY DEVELOPMENT UPDATE - DECEMBER 2023

Report Information

Date: 4 December 2023
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: Community Development Coordinator
 Island: Shire Wide
 Attachments: 10.1.2.1 - Boat Plans and Images from Cold Storage

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 month of December 2023.

Relevant Documents

Available for viewing at the meeting.

Background

Jukong Restoration Project Update

Due to the constraints of the shipping schedule and the movement of volunteers and shipwrights. The amended reworked restoration schedule for the rest of this financial year are as follows:

- Electricians quote to be sourced in installing extra circuit breakers and additional external outlets for the various workshop machines.
- The 5 Jukongs to be finished cleaning and disinfected to reduce insect activity. Once completed relocated inside the Chula Shed. Work benches to be installed and partial windows and doorways to be constructed on the southern and eastern openings of the shed. Doorways to be secure as machinery and power tools will be stored here. Materials to be sourced on Island.
- Acquire support from a local carpenter for the construction of the Jukong support frames. The frames will assist with strengthening the fragile keel section from buckling and ease of moving boats around the workshop for the repair works.

The assistance from the works crew have been truly above and beyond. The Jukong Restoration Project meets the organisation's *Strategic Plan – Objective 4.1.1 To provide leadership to the community and 2.1.3 Maintain the cultural heritage.*

The Shire will deliver and maintain the project schedule however logistical factors and unforeseen delays and we will endeavour to persevere. The project will be delivered and maintained within budget, the Shire has invested considerable in-kind contributions by far exceeds its expectations and will be reflected in our reporting milestones and final acquittal processes. Finally, the delivery of the Jukong Restoration Project is of high heritage value and return on investment is unquestionable.

School Holiday Program – December and January School Break

The Shire will trial a number of outdoor recreational and sporting activities during the long break. The activities will be schedule for the daytime and limited to evening sessions to reduce the extra hours accrued by the Shire staff and volunteers.

The proposed activities and venues are as follows:

DATE	TIME	ACTIVITY	VENUE
Friday 15 th December	6.30pm – 8.00pm	Volleyball	Home Island – Volleyball Courts
Monday 18 th December	8.30am – 10.00am	Baking Class	West Island – CIDHS
Tuesday 19 th December	4.30pm – 5.30pm	GIANT Games	Home Island – Cyclone Shelter
Wednesday 20 th December	3.30pm – 4.30pm	GIANT Games	West Island – CIDHS Basketball Courts
Thursday 21 st December	10.00am – 12.00pm	Let's Make Ice – Cream!	Home Island – Cyclone Shelter
Friday 22 nd December	3.30pm – 4.30pm	Tennis	West Island – Tennis Courts
Monday 1 st January	10.00am – 1.00pm	Games and socialise	Home Island – Youth Centre

Wednesday 3rd January	3.30pm – 4.30pm	Basketball	West Island – Basketball Courts
Friday 5th January	6.30pm – 8.30pm	Movie Night	Home Island – Cyclone Shelter
Monday 8th January	8.00am – 10.00am	Arts & Craft	West Island – Big Barge Art Centre

Training

State Library WA (SLWA) supports our Community Librarians through valuable training each year. Contribute financially to the training by paying for the airfares. Travel will be scheduled towards the end of January or early February at the latest. The training which will be conducted by Janet Deegan Public Library Liaison Librarian from SLWA.

The training will consist of the following but not limited to:

- Public Libraries Online.
- Techniques to bring people into libraries.
- Book exchanges.
- Inter Library Loans.
- Better Beginnings Program.

It is an opportunity for the new Community Librarian based in West Island to attend the training. SLWA supports our staff in a timely and professionally manner.

Upcoming Community Events

International Day of People with Disability will be held on the 6 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 can participate in all aspects of community life on Cocos.

The feedback collected from this event will be included in review process of the Shire of Cocos (Keeling) Island's Disability and Inclusion Plan 2020-2025.

Australia Day 2024

Shire is excited to introduce new categories for Australia Day 2024. 2024's event will consist of having four Australia Day Award categories. They are:

Teen Award – Awarded to children up to age of 17 years in 2024. To be eligible for a Teen Award, the nominee must be a resident of Cocos Keeling Islands.

As a Teen Award recipient, the nominee must have:

- made a significant contribution to the Cocos Islands community throughout the year and/or over the previous years; and
- outstanding leadership skills and/or be a role model for other community members and teens.

Community Group Award - To be eligible for a Community Group Award, a community group or organisation must be not-for-profit and be operating in the Shire of Cocos Keeling Islands. A community group can be nominated for its usual activities or for a special project it has implemented or completed. Nominated community groups must have made a significant contribution throughout the year and/or over previous years.

They must also have shown that they:

- meet a community need or priority; and
- provide exceptional service to the local community.

Community Member Award - To be eligible for a Citizen of the Year 2024 nomination, the nominee must be a resident of the Cocos Keeling Islands. To be eligible for the Award the nominee must have:

- made a significant contribution to the Cocos Keeling Islands community throughout the year and/or over the previous years; and
- outstanding leadership skills and/or be a role model for other community members.

Senior Award - Each and every day on the Cocos Keeling Islands, there are countless senior residents who volunteer their time, contributing to the wellbeing of the Cocos community. Across our community, these volunteers connect people and provide services to others. The knowledge, skill, commitment, and energy displayed by Cocos senior residents is overwhelming.

These volunteers give their time, energy, and skills without seeking public recognition or accolades for their contribution. The Senior Award have been designed to provide public thanks to those quiet achieving seniors who give so much to our Islands.

Nomination forms can be obtained from the following ways – email the Community Development Coordinator, the Shire’s Website, in the community newsletter and from the front office at the Shire Offices on both Home and West Island.

Nominations for all four categories will close on the 4th of January 2024.

Act of Self Determination Day

40 years of Act of Self Determination Day in April is approximately 5 months away. Initially, our planning sessions has been with meeting with *Persatuan Kebudayaan Pulu Kokos* (PKPK) to briefly discuss the preferred dates of the celebrations.

There are several items on the planning schedule. These are but not limited to:

1. Decide On Activities.
2. The proposed Budget and contributions.
3. Forming the event’s Committee.

4. Secure The Venue(s) and ensure the maintenance are up to date.
5. Book tentatively Vendors, Entertainment, Etc.
6. Contingency Plan.

April will be the month of community celebrations and a stream of activities. Hari Raya celebrations, Regional Touring Group will be performing on Home and West Island and the visiting Sports Development Officer from Football West tasked with the community activations and engagement.

Home Island Museum

The attached spreadsheet is the list of boat plans and images that were recovered from cold storage recently in Perth. These were collected in the early 2000s, most likely from Oceania and brought back to Perth for archival treatment, as they were deemed to be at high risk due to fungal and insect attack. Unfortunately, these came with no documentation so there is no record of movement, or of previous registration for that matter.

Under the circumstances, it would seem most appropriate that this material should therefore be registered into the Home Island Museum collection. Indicated from the spreadsheet there are 20 plans, 4 photographs and two blank certificates. Each of these should be registered as separate items, although noting that the boat plans together form a small collection in their own right. The newly appointed Community Development Officer – Culture and Heritage will be tasked to work and process and archive these plans.

A process for acquisitions, loans documents will need to be administer with assistance from Museum WA's Heritage Officer.

The plans have been photographed well enough for close inspection. Requested that a printed full-scale images and copies of these brought up with Tim Eastwood on the next trip.

The conservation of these plans requires a consultant paper conservator and have working out an estimate of cost for the work required. Funding for this project will need to be sourced and a detailed funding plan will need to be conducted urgently. The general condition of these works are fragile to say the least. Advice and longer term would be to have these kept in archival storage once the conservation work is complete as the Shire doesn't have the facility and substantial storage to handle this type of material. This would need to be a documented arrangement between the Shire and WA Museum. Further discussions will need to take place.

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, State Library of WA to name a few direct WA Service Delivery contacts for program development. The Community Development section adheres to the following Shire Plans for guidance and direction.

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

Shire's Corporate Business Plan
Shire's Strategic Plan

Policy and Legislative Implications

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, NOTE AND RECEIVES THE SHIRE COMMUNITY DEVELOPMENT MONTHLY UPDATE FOR DECEMBER 2023.

COUNCIL RESOLUTION – ITEM NO 10.1.2

MOVED CR I MINKOM

SECONDED CR SLOAN

THAT COUNCIL, NOTE AND RECEIVES THE SHIRE COMMUNITY DEVELOPMENT MONTHLY UPDATE FOR DECEMBER 2023.

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

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

AGAINST: NIL

Councillor I Minkom declared an impartiality interest on item 10.1.3 and remained in the chambers

10.1.3 ENDORSEMENT AND APPROVAL OF COLLABORATION DEED FOR SUPPORT OF ENVIRONMENTAL AND CONSERVATION ACTIVITIES ON THE COCOS (KEELING) ISLANDS

Report Information

Date: 4 December 2023
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Manager Governance, Risk and Planning
 Island: Shire Wide
 Attachments: 10.1.3.1 - 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>
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<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

Report purpose

The purpose of this report is to seek the Council's endorsement and approval for the Collaboration Deed between the Director of National Parks and the Shire of Cocos (Keeling) Islands. This deed aims to strengthen cooperation for environmental and conservation initiatives on the Cocos (Keeling) Islands.

Relevant Documents

Attachment 10.1.3.1 circulated under separate cover.

Available for viewing at the meeting.

Nil

Background

The Director's Rangers and the Shire's environmental and conservation workers often engage in similar activities on the Cocos (Keeling) Islands. The Shire, in addition to its regular responsibilities, undertakes various environmental activities. The collaboration schedule outlined in this deed pertains to activities conducted outside the Pulu Keeling National Park, specifically on the southern atoll islands.

COLLABORATION DETAILS:

Similar Activities: The Director's Rangers and the Shire's environmental and conservation workers will collaborate on various activities to ensure time efficiency and effectiveness.

Mentoring and Advice: The Director will provide mentoring support to the Shire's workers and advise on best practices for natural resource management on land managed by the Shire.

Joint Team: The Director and the Shire will operate a joint "environmental and conservation workers team" to enhance collaboration and knowledge sharing.

SPECIFIC ACTIVITIES INCLUDE:

Invasive Species Control: Monitoring and controlling feral cats, rats, chickens, and weeds.

Revegetation Works: Operating plant nurseries and conducting revegetation projects.

Cultural Heritage Activities: Collaborating on projects related to cultural heritage.

Environmental Incident Response: Responding to environmental incidents in the Cocos (Keeling) Islands Marine Park.

Community Projects: Engaging inschool and community projects with an environmental focus.

Shared Transport: Utilising shared transportation, such as vessels and vehicles, for efficient activity implementation.

Comments

The collaboration is designed to enhance the efficiency of shared activities, leveraging the expertise of both parties for the benefit of the Cocos (Keeling) Islands. The joint efforts will lead to improved outcomes in invasive species control, revegetation, cultural heritage preservation, environmental incident response, and community projects.

Financial Implications

This Collaboration Deed does not carry any financial implications for either party. The collaboration is based on shared resources, knowledge, and expertise, ensuring that the

activities outlined can be undertaken without a financial burden on the Director of National Parks or the Shire of Cocos (Keeling) Islands.

Policy and Legislative Implications

Nil

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community 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	Potential for joint funding requirements for specific projects.	Low (2)	Both parties commit to transparent financial reporting and collaborative resource allocation to ensure financial prudence.
Reputation	Unforeseen challenges or controversies.	Low (2)	Clear communication strategies, transparency, and community engagement will be critical in mitigating reputation risks and maintaining public trust.
Compliance	Evolving compliance requirements or changes in environmental standards could pose a risk.	Low (3)	Both parties commit to staying informed about relevant compliance updates and adjusting activities accordingly to ensure adherence to legal frameworks.
Fraud	Emphasizes transparency in financial transactions, procurement processes, and resource allocation	Low (2)	Both parties commit to implementing robust internal controls and regular audits to detect and prevent fraudulent activities.

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 Collaboration Deed marks a strategic alliance between the Director of National Parks and the Shire of Cocos (Keeling) Islands, ensuring effective and sustainable management of the unique environmental assets on the southern atoll islands. Council's endorsement will initiate a cooperative journey for the islands' benefit.

Voting Requirement

Simple majority.

OFFICER RECOMMENDATION – ITEM NO 10.1.3

THAT COUNCIL, BY SIMPLE MAJORITY, ENDORSE AND APPROVE THE COLLABORATION DEED FOR SUPPORT OF ENVIRONMENTAL AND CONSERVATION ACTIVITES ON THE COCOS (KEELING) ISLANDS, ALLOWING FOR THE FORMAL SIGNING AND COMMENCEMENT OF COLLABORATIVE EFFORTS. THIS ENDORSEMENT IS SPECIFICALLY DIRECTED TOWARDS FOCUSING ON THE OUTLINED ACTIVITIES OUTSIDE PULU KEELING NATIONAL PARK, AS DETAILED IN THE COLLABORATION DEED.

COUNCIL RESOLUTION – ITEM NO 10.1.3

MOVED CR KNIGHT

SECONDED CR YOUNG

THAT COUNCIL, BY SIMPLE MAJORITY, ENDORSE AND APPROVE THE COLLABORATION DEED FOR SUPPORT OF ENVIRONMENTAL AND CONSERVATION ACTIVITES ON THE COCOS (KEELING) ISLANDS, ALLOWING FOR THE FORMAL SIGNING AND COMMENCEMENT OF COLLABORATIVE EFFORTS. THIS ENDORSEMENT IS SPECIFICALLY DIRECTED TOWARDS FOCUSING ON THE OUTLINED ACTIVITIES OUTSIDE PULU KEELING NATIONAL PARK, AS DETAILED IN THE COLLABORATION DEED.

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

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

AGAINST: NIL

10.1.4 NEW SHIRE POLICY FOR INCLUSION IN THE SHIRE OF COCOS (KEELING) ISLANDS POLICY MANUAL

Report Information

Date: 12 February 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Leasing and Policy Development Officer
 Island: Shire Wide
 Attachments: 10.1.4.1 - New Shire Policy for Inclusion in Policy Manual

Authority / Discretion

Definition

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

Report Purpose

To formally present and seek Council endorsement for incorporation of new and updated policies into the Shire of Cocos (Keeling) Islands Policy Manual.

Relevant Documents

- Access Control Policy
- Bring Your Own Device Policy
- Change Management Policy
- Data Backup Policy
- Data Destruction and Disposal Policy
- ICT Security Framework
- Incident Management Plan

- Information Security Policy
- Password Policy
- Patching and Vulnerability Management Policy
- Remote Access Policy
- Training and Awareness Plan Policy
- Use of Encryption Policy
- Volunteer Policy
- Rating Policy
- Rating Exemption Assessment Policy

Background

Section 2.7 of the *Local Government Act 1995 (WA) (CKI)* prescribes part of the role of a Council is to “determine the local government’s policies”.

Policies provide guidance to Council, staff and our community and aim to articulate and communicate Council position on matters affecting the good governance of the Shire and to enable the effective and efficient management of Shire resources. They assist in ensuring sound and equitable decision-making.

Policies are not binding on Council, instead they provide a structure to avoid ad-hoc decision making. Generally, policies are living documents that evolve through a process of review and refinement in respond to internal and external environment changes.

Comment

The following new policies is presented as contained in attachment 10.1.4.1 for inclusion in the Shire of Cocos (Keeling) Islands Policy Manual.

- Access Control Policy
- Bring Your Own Device Policy
- Change Management Policy
- Data Backup Policy
- Data Destruction and Disposal Policy
- ICT Security Framework
- Incident Management Plan
- Information Security Policy
- Password Policy
- Patching and Vulnerability Management Policy
- Remote Access Policy
- Training and Awareness Plan Policy
- Use of Encryption Policy
- Volunteer Policy
- Rating Policy
- Rating Exemption Assessment Policy

Once Council has adopted the new policies officers will ensure that:

- The Policy Manual is updated promptly;
- All relevant staff and stakeholders are advised; and

- The Shire’s website is promptly updated.

Policy and Legislative Implications

Section 2.7 of the *Local Government Act (WA) (CKI) 1995* prescribes part of the role of a Council is to “determine the local government’s policies”.

Sections 5.128, 5.90A and 5.39 relate to specific polices relating to Council and require an Absolute Majority of Council decision.

Strategic Implications

Shire of Cocos Keeling Islands Corporate Business Plan

Key Result Area 4 – Civic Leadership

Objective 2 – Provide quality information for Council Decision Making

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

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Reputation	Lack of transparency in decision making. Inconsistent decision. Perception that decisions are based on personalities rather than good policy.	High (16)	Carefully considered and communicated policies that guide administrative action and Council decisions and inform Council of a policy position rather than a response to a specific enquiry.
Service Interruption	Decisions held up due to lack of policy position – reinventing the wheel	Moderate 8	Good policies to smooth and fast track decision making and actions.
Compliance	Decisions not consistent with legislation	Moderate 8	Policies that ensure legislative compliance

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 new policies are presented to Council. The officer's recommendation is that Council adopts the proposed new Policies as contained in attachment 10.1.4.1 for inclusion in the Shire of Cocos (Keeling) Islands Policy Manual.

OFFICER RECOMMENDATION – ITEM NO 10.1.4

THAT COUNCIL, BY ABSOLUTE MAJORITY, PURSUANT TO SECTION 2.7, 5.128, 5.90A, 5.39 OF THE *LOCAL GOVERNMENT ACT 1995 (WA)(CKI)* RESOLVES TO:

1. ADOPT THE FOLLOWING POLICIES AS PRESENTED;
 - ACCESS CONTROL POLICY
 - BRING YOUR OWN DEVICE POLICY
 - CHANGE MANAGEMENT POLICY
 - DATA BACKUP POLICY
 - DATA DESTRUCTION AND DISPOSAL POLICY
 - ICT SECURITY FRAMEWORK
 - INCIDENT MANAGEMENT PLAN
 - INFORMATION SECURITY POLICY
 - PASSWORD POLICY
 - PATCHING AND VULNERABILITY MANAGEMENT POLICY
 - REMOTE ACCESS POLICY
 - TRAINING AND AWARENESS PLAN POLICY
 - USE OF ENCRYPTION POLICY
 - VOLUNTEER POLICY
 - RATING POLICY
 - RATING EXEMPTION ASSESSMENT POLICY
2. ADD THE POLICY TO THE SHIRE OF COCOS (KEELING) ISLANDS POLICY MANUAL; AND
3. INCLUDE THE NEW POLICIES FOR REVIEW OF THE SHIRE OF COCOS (KEELING) ISLANDS POLICY MANUAL IN JUNE 2024.

COUNCIL RESOLUTION – ITEM NO 10.1.4

MOVED CR I MINKOM

SECONDED CR SLOAN

THAT COUNCIL, BY ABSOLUTE MAJORITY, PURSUANT TO SECTION 2.7, 5.128, 5.90A, 5.39 OF THE LOCAL GOVERNMENT ACT 1995 (WA)(CKI) RESOLVES TO:

- 1. ADOPT THE FOLLOWING POLICIES AS PRESENTED;**
 - ACCESS CONTROL POLICY
 - BRING YOUR OWN DEVICE POLICY
 - CHANGE MANAGEMENT POLICY
 - DATA BACKUP POLICY
 - DATA DESTRUCTION AND DISPOSAL POLICY
 - ICT SECURITY FRAMEWORK
 - INCIDENT MANAGEMENT PLAN
 - INFORMATION SECURITY POLICY
 - PASSWORD POLICY
 - PATCHING AND VULNERABILITY MANAGEMENT POLICY
 - REMOTE ACCESS POLICY
 - TRAINING AND AWARENESS PLAN POLICY
 - USE OF ENCRYPTION POLICY
 - VOLUNTEER POLICY
 - RATING POLICY
 - RATING EXEMPTION ASSESSMENT POLICY
- 2. ADD THE POLICY TO THE SHIRE OF COCOS (KEELING) ISLANDS POLICY MANUAL; AND**
- 3. INCLUDE THE NEW POLICIES FOR REVIEW OF THE SHIRE OF COCOS (KEELING) ISLANDS POLICY MANUAL IN JUNE 2024.**

THE MOTION WAS PUT AND DECLARED CARRIED BY ABSOLUTE MAJORITY (6/0)

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

AGAINST: NIL

10.2 MANAGER FINANCE AND CORPORATE SERVICES

10.2.1 MONTHLY FINANCIAL REPORT – NOVEMBER 2023

Report Information

Date: 7 December 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: 10.2.1.1 - Monthly Financial Report –November 2023
 10.2.1.2 – CONFIDENTIAL – Note 12 Additional Information Council only

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)*.

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 November 2023. The current closing municipal surplus for this period is \$1,413,362 compared to a budget position of \$733,718.

Income for the period year to date is \$4,979,375 which is made up \$4,774,436 in operating revenues, \$204,939 in capital grants. The budget estimated \$5,196,833 would be received for the same period. The variance to budget is (\$217,458).

Expenditure for the period year to date is \$3,814,070 excluding depreciation. This is made up of \$2,710,220 in operating expenditure and \$1,103,850 in capital expenditure. The budget estimated \$4,618,526 would be spent for the same period. The variance to budget is \$804,456.

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)

Voting Requirements

Simple majority.

Conclusion

That the Monthly Financial Report for the period ending 30 November 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 NOVEMBER 2023, AS CONTAINED IN ATTACHMENT 10.1.1.1; AND
2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 30 NOVEMBER 2023, AS CONTAINED IN ATTACHMENT 10.1.1.1.

COUNCIL RESOLUTION – ITEM NO 10.2.1

MOVED CR I MINKOM

SECONDED CR BADLU

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 NOVEMBER 2023, AS CONTAINED IN ATTACHMENT 10.1.1.1; AND**
- 2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 30 NOVEMBER 2023, AS CONTAINED IN ATTACHMENT 10.1.1.1.**

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

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

AGAINST: NIL

10.2.2 SCHEDULE OF ACCOUNTS PAID FOR THE PERIOD NOVEMBER 2023

Report Information

Date: 6 December 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: 10.2.2.1 - 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 November 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 10.2.2.1.

Payment Type	Amount (\$)
EFT Payments #10230 to #10305	\$390,787.69
Direct Debit Payment	\$71,622.77
Cheque Payment 1127 to 11729	\$8,459.34
Total Payments	\$470,869.80

Contained within Attachment 10.2.2.1 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 November 2023.

OFFICER RECOMMENDATION – ITEM NO 10.2.2

THAT COUNCIL:

1. BY SIMPLE MAJORITY, PURSUANT TO REGULATION 13(1) OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996* RECEIVES THE REPORT FROM THE CHIEF EXECUTIVE OFFICER ON THE EXERCISE OF DELEGATED AUTHORITY IN RELATION TO PAYMENTS MADE FROM MUNICIPAL OR TRUST FUNDS FOR THE PERIOD NOVEMBER 2023 TOTTALLING \$470,869.80 AS CONTAINED IN ATTACHMENT 10.2.2.1.
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD EXPENDITURE FOR THE PERIOD NOVEMBER 2023, AS CONTAINED IN ATTACHMENT 10.2.2.1.

COUNCIL RESOLUTION – ITEM NO 10.2.2

MOVED CR I MINKOM

SECONDED CR YOUNG

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 NOVEMBER 2023 TOTTALLING \$470,869.80 AS CONTAINED IN ATTACHMENT 10.2.2.1.
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD EXPENDITURE FOR THE PERIOD NOVEMBER 2023, AS CONTAINED IN ATTACHMENT 10.2.2.1.

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

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

AGAINST: NIL

10.2.3 PRESENTATION OF THE 2022/2023 ANNUAL REPORT INCORPORATING THE ANNUAL FINANCIAL STATEMENTS AND AUDITORS REPORT

Report Information

Date: 8 December 2023
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: Manager Finance and Corporate Services
 Island: Shire wide
 Attachments: 10.2.3.1 - Annual Report 2022-23 including the Annual Financial Statements for the year ended 30 June 2023 and Independent Auditors Report 2023
 10.2.3.2 – CONFIDENTIAL Final Management Letter 30 June 2023 (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>

Report Purpose

To seek Council acceptance of the Annual Report and 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

Section 5.54 (1) of the *Local Government Act 1995 (WA)(CKI)* requires Councils to prepare and accept an Annual Report for each financial year by 31 December following the financial year end or if in an instance where the auditor report is not available in time to allow adoption prior to 31 December then no later than two months after receiving the Audit Report.

William Buck (appointed by the Office of the Auditor General (OAG)) conducted an on-site Audit from the 13 to the 17 November 2023. Following the conclusion of the Audit an Audit Exit Meeting was held on the 7 December 2023 between Ibrahim Macrae – Acting CEO, Vikki Lauritsen – Manager Finance & Corporate Services, Cr Young – Chair of the Shire Audit Committee, Kuan-Yin Lau – Audit Manager (William Buck), Amar Nathwani – (William Buck) and Tim Sanya – Principal Auditor (OAG).

Comment

The Annual Report, prepared in accordance with the requirements of the Local Government Act, is included with the Agenda for Councillors' perusal, consideration and acceptance.

Council's auditors, William Buck Pty Ltd on behalf of the Office of the Auditor General, have completed an audit of council's financial records for the financial year ending 30 June 2023.

An unqualified opinion has been issued, meaning that the Shire of Cocos (Keeling) Island's financial records and statements are fairly and appropriately presented, and in accordance with Australian Accounting Standards Board (AASB) and the *Local Government Act 1995 (WA)(CKI)*. The report highlights three moderate findings, one of which relates to a carryover of a prior year finding. The three findings along with the Shire response are outlined in the Final Management Letter at attachment 10.2.3.3.

Once the Annual Report has been accepted Council is required to give local public notice of the availability of the annual report as soon as practicable and publish on the Shire website within 14 days of adoption.

Section 5.27 of the *Local Government Act 1995 (WA) (CKI)* requires a general meeting of electors to be held not more than 56 days after the local government accepts the annual report. In order to set a date for the 2023 Electors' General Meeting (EGM), the Council is required to have both received the audit report for the prior period as well as having accepted the Annual Report. In addition to acceptance of the Annual Report approval of Council is sought to set the date of the Electors' General Meeting.

Upon acceptance of the Annual Report and approval of the EGM date and time, statutory advertising will take place and the Annual Report will be made available for viewing on the night of the Elector's General Meeting and at any time on the Shire's website.

Policy and Legislative Implications

Section 5.53(1) of the *Local Government Act 1995* requires a Local Government to prepare an annual report for each financial year. Section 5.53(2) (f) of *the Local Government Act 1995*

specifies that the annual report is to contain the financial report of the financial year and Section 5.53(2) (h) specifies that it must contain the auditor’s report for the financial year.

In accordance with Section 5.54 of the *Local Government Act 1995* an annual report for the financial year is to be accepted by the Local Government by the 31 December after that financial year or no later than 2 months after the auditor’s report becomes available.

Financial Implications

The indicative audit fee for 2023 was \$77,000

Strategic Implications

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

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

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.

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 accepts the 2022/2023 Annual Report of the Shire of Cocos (Keeling) Islands and authorises the CEO to give notice of the Annual Electors Meeting.

OFFICER RECOMMENDATION – ITEM NO 10.2.3

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

1. ACCEPT THE REPORT PROVIDED BY THE SHIRE AUDITOR GRANT ROBINSON, ASSISTANT AUDITOR GENERAL FINANCIAL AUDIT FOR WESTERN AUSTRALIA;
2. ACCEPT THE SHIRE OF COCOS (KEELING) ISLANDS ANNUAL REPORT FOR THE 2022/2023 FINANCIAL YEAR; AND
3. SET THE DATE FOR THE ANNUAL ELECTORS GENERAL MEETING AS WEDNESDAY 17 JANUARY 2024 AT 4.00PM AT THE HOME ISLAND COUNCIL CHAMBERS AND AUTHORISE THE CEO TO GIVE PUBLIC NOTICE OF THE MEETING AND THE AVAILABILITY OF THE ANNUAL REPORT.

COUNCIL RESOLUTION – ITEM NO 10.2.3

MOVED CR YOUNG

SECONDED CR I MINKOM

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

1. ACCEPT THE REPORT PROVIDED BY THE SHIRE AUDITOR GRANT ROBINSON, ASSISTANT AUDITOR GENERAL FINANCIAL AUDIT FOR WESTERN AUSTRALIA;
2. ACCEPT THE SHIRE OF COCOS (KEELING) ISLANDS ANNUAL REPORT FOR THE 2022/2023 FINANCIAL YEAR; AND
3. SET THE DATE FOR THE ANNUAL ELECTORS GENERAL MEETING AS WEDNESDAY 17 JANUARY 2024 AT 4.00PM AT THE HOME ISLAND COUNCIL CHAMBERS AND AUTHORISE THE CEO TO GIVE PUBLIC NOTICE OF THE MEETING AND THE AVAILABILITY OF THE ANNUAL REPORT.

THE MOTION WAS PUT AND DECLARED CARRIED BY ABSOLUTE MAJORITY (6/0)

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

AGAINST: NIL

10.3 MANAGER INFRASTRUCTURE

10.3.1 INFRASTRUCTURE REPORT

Report Information

Date: 6 December 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 substantially complete.

Additional staff and contractors were employed to complete the project by the end of the calendar year which has contributed to a significant budget pressure. An overspend in the vicinity of 25% is anticipated on the original budget. Further report will be provided as part of the budget review.

Final materials are expected on the current ship. Tenancies have been advertised for EOI though the Shire Leasing Officer.

The Shire has undertaken trenching and cable installation for a power network extension to enable the servicing of the retail. We are awaiting IOTPS to connect the new cable and unfortunately the new tenancies cannot be serviced until that occurs.

The paving of Jalan Baru adjoining the retail precinct is complete. The existing track between Jalan Rel and Jalan Majid in-front of the existing restaurant will be closed and reinstated to reserve.

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 adjacent the footings. Clarification is being sort from Christmas Island Maintenance Services (CIMS) as to their commitment to the project given the lengthy delay in transporting the unit between islands.

We are exploring the option of completing the works internally.

Kampong Rental Housing Renewal

New 10-year lithium battery smoke alarms have been installed in all Shire housing assets on Home Island. This ensures we are meeting the minimum current Standards.

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.

Direction Island Works

Works have commenced on the replacement of the main toilet structure on Direction Island. The existing composting system will remain.

Materials have been ordered for the replacement balustrade and fretwork at the Emden Memorial and to replace the existing Shelter 2. These materials are on the December ship.

Plant Replacement Program

The wheeled loader has been ordered and is due to be delivered to Perth in November for arrival on Cocos early 2024.

Quotes have also been received for the supply of a crusher bucket to process waste concrete, bricks, pavers, and coral. The Infrastructure Manager attended a demonstration of each bucket and a recommendation will be presented to the February Council meeting.

OPERATIONAL WORKS

Cyclone Shelter – Storage Space

Doors have been installed on shelving in the cyclone shelter kitchen to assist with management of emergency supplies.

Road Maintenance

Patching of damaged pavers on Home Island has commenced. Line marking paint has been ordered to help formalise intersection management consistent with the Main Roads Signage and Line marking Audit.

Verge Trimming/Tree Management

The elevated work platform has undertaken pruning of vegetation overhanging Shire assets on Home Island. Trees around the Shire Office, museum, hardware store, jukong shed and CRC building have been pruned.

Boat Ramps – West Island

The Southend Boat Ramp has been extended with the placement of concrete blocks above the existing concrete matting. Trimming of adjacent vegetation has increased the visibility

and access to the ramp. A new solar light has been ordered to replace the existing light which has failed.

The expansion of the car parking at the end of Mahoon Road has commenced.

Environmental Initiatives

Marine Debris

The Shire assisted Sea Shephard with their annual clean-up on the islands by receiving the waste and assisting with transport.

Significant time was spent on Home Island, Direction Island, Pula Blan, West Island and South Island. Two FADS were removed from the lagoon and in total 11 tonnes of trash have been taken off the beaches and approximately half of which were consumer plastic and ropes.

In total 11 tonnes of trash have been taken off the beaches and approximately half of consumer plastic and ropes.

Waste Management

Opening hours at the transfer stations were changed to align with collection days in August. Two weekday hours on each island and an hour on Sunday on Home Island. The transfer stations are also opened by appointment for people who have paid for their waste, with this system working well. A summary of monthly usage at the transfer station is below

Home Island	Residential	Commercial
July	117	14
August	77	25
September	89	34
October	95	9

West Island	Residential	Commercial
July	32	58
August	14	50
September	12	26
October	12	42

A pre-cyclone collection was undertaken in late October with only five properties on Home Island and ten properties on West Island taking advantage of the kerbside collection of 1m3 of waste.

Since the introduction of fees for the disposal of waste, income has been received totalling \$22,300. Additional shipping containers have been purchased for the storage and transport of waste received at the transfer station.

The volume of non-putrescible waste received on both islands (split between commercial and residential) is summarised in the table below,

Non-putrescible waste volumes (m3 or each))				
	HOME ISLAND		WEST ISLAND	
	Private	Commercial	Private	Commercial
Scrap Metal	0.8		1.2	9
Construction waste	0.25		0.2	6
General Waste		1.125		7

Aircon	2			2
Washing Machine			3	
Fridge/freezer	1			1
Solar Tank	1			1
Solar Panel	4			2
E-waste	2	5		
Oven	1			
Battery	4			
Tyre	1			1
Oil				987
Quadbikes/Buggies/Vessels < 1 Tonne			1	

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	Moderate	Adequate training all for staff and constant monitoring by WHS

	and Safety requirements		Representatives, Supervisors and Managers that requirements are adhered to.
Reputation	Projects are not delivered and up to required standard	Moderate	Works are scheduled and project updates are provided accordingly
Service Interruption	Loss of key personnel to undertake project	Moderate	Ensure adequate staff is available for project delivery – limit number of projects to be delivered each FY
Compliance	Non-compliant with regulations and codes	Low	Ensure Supervisors and Managers have the necessary knowledge in standards, regulations and codes.
Property	Damage to property	Moderate	Ensure staff are aware of their surroundings and to avoid damage to property as necessary.
Environment	Damage to environment and surroundings	Moderate	Ensure minimal impact on environment at every means possible. Rehabilitation and replanting of area at the completion should it be impacted by project.

Risk Matrix

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

Voting Requirements

Simple majority.

OFFICER RECOMMENDATION – ITEM NO 10.3.1

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

COUNCIL RESOLUTION – ITEM NO 10.3.1

MOVED CR SLOAN

SECONDED CR BADLU

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

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

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

AGAINST: NIL

10.3.2 GROWING REGIONS PROGRAM

Report Information

Date: 5 December 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 details on the Growing Regions Program and an existing expression of interest for the development of waste and resource recovery facilities on Cocos Keeling Islands.

Relevant Documents

Nil

Background

The Australian Government has committed \$600 million over three years from 2023-24 for the Growing Regions Program, with \$300 million available within the first and second round's funding envelopes.

The Growing Regions Program provides grants of between \$500,000 and \$15 million to local government entities and not-for-profit organisations, for capital works projects that deliver community and economic infrastructure projects across regional and rural Australia.

The program is open competitive with grants awarded on a merit basis.

The program uses a two-stage application process. Under Stage One, applicants were required to submit Expressions of Interest which are assessed to ensure projects meet eligibility requirements, project readiness and program suitability, and are aligned with regional priorities for the area.

Expressions of Interest that are assessed as meeting requirements and approved to proceed will be invited to submit a full application (Stage Two).

Prior to the 1 August 23 deadline, staff submitted an Expression of Interest for grant funding to implement a number of waste management measures.

Comment

Staff were advised on 23 November 23 that our Round 1 expression of interest relating to the Shire Of Cocos Keeling Islands Waste and Resource Recovery Facilities was successful and we have been invited to submit an application for the next stage.

The Australian Government's Department of Infrastructure, Transport, Regional Development and Communications and the Arts (DITRDCA) and the Shire are both seeking to improve waste management practices and performance on CKI to deliver waste services that can benefit the local economy, the community and the environment.

A Waste and Resource Recovery Strategy (the Strategy) for the Indian Ocean Territories was developed to outline a realistic pathway for improving waste management through the development of better practice resource recovery objectives and priorities.

To assist with the execution of the Strategy an implementation plan was developed to provide a clear understanding of the implementation pathway and bridge the gap between the Strategy and action.

Key activities include installation of incinerators and associated infrastructure for both Home and West Island, upgrades to existing infrastructure and recycling equipment and construction of new infrastructure including concrete slabs and appropriate storage facilities to hold and process waste and recyclables for off island disposal.

This infrastructure was identified by DITRDCA as necessary community infrastructure as part of the IOT Waste Strategy and forms the basis for this grant application.

The Expression of Interest sought funding of \$4m with a Shire contribution of \$400,000 bringing the total value to \$4.4m. This value was consistent with estimates provided during the development of the IOT Waste Strategy.

The Stage 2 application is due on 15 January 2024.

If the Shire is successful with Stage 2, a future report will be presented to Council seeking their endorsement to execute the agreement.

Policy and Legislative Implications

Nil

Financial Implications

The development of waste infrastructure that ensures the Shire is able to deliver waste management services to the community whilst meeting the requirements of our waste Licence conditions is essential. The cost to do so however is beyond the financial capacity of the Shire without significant grant funding.

Strategic Implications

The Indian Ocean Waste Management Strategy has been developed by the Department of Infrastructure, Transport, Regional Development and Communications and the Arts (DITRDCA) and identifies its waste management objectives for the Cocos Keeling Islands. This project delivers on a number of outcomes.

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	Moderate	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 10.3.2

THAT COUNCIL, BY SIMPLE MAJORITY, ACKNOWLEDGES THE SHIRE'S EXPRESSION OF INTEREST IN THE GROWING REGIONS PROGRAM. FURTHERMORE, COUNCIL RECOGNISES THE SHIRE'S COMMITMENT TO PREPARING THE STAGE 2 SUBMISSION FOR THE DEVELOPMENT OF WASTE AND RESOURCE RECOVERY FACILITIES ON COCOS KEELING ISLANDS.

COUNCIL RESOLUTION – ITEM NO 10.3.2

MOVED CR I MINKOM

SECONDED CR YOUNG

THAT COUNCIL, BY SIMPLE MAJORITY, ACKNOWLEDGES THE SHIRE'S EXPRESSION OF INTEREST IN THE GROWING REGIONS PROGRAM. FURTHERMORE, COUNCIL RECOGNISES THE SHIRE'S COMMITMENT TO PREPARING THE STAGE 2 SUBMISSION FOR THE DEVELOPMENT OF WASTE AND RESOURCE RECOVERY FACILITIES ON COCOS KEELING ISLANDS.

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

FOR: BADLU, KNIGHT, 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

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

15.2 TRUSTS LEASES

Nil

15.3 TRUSTS FINANCE

Nil

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

COUNCIL RESOLUTION

MOVED CR I MINKOM

SECONDED CR BADLU

THAT COUNCIL, BY SIMPLE MAJORITY, RESOLVES TO CONSIDER ITEM NO 16.1 PROPOSAL TO CHANGE THE ACT OF SELF DETERMINATION DAY (ASDD) PUBLIC HOLIDAY DATE BE TAKEN AS URGENT BUSINESS.

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

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

AGAINST: NIL

16.1 PROPOSAL TO CHANGE THE ACT OF SELF DETERMINATION DAY (ASDD) PUBLIC HOLIDAY DATE

Report Information

Date: 13 December 2023
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: Acting Chief Executive Officer
 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 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>
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<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

Report Purpose

As ASDD approaches its 40th anniversary on 6 April 2024, a date of significant cultural and historical importance in our community, the Shire recognises the need for increased community involvement. In an effort to better align with community preferences and to facilitate greater participation during ASDD celebrations, the Shire proposes shifting the public holiday to 29 April 2024.

This adjustment also takes into consideration the proximity to Ramadan, acknowledging the cultural significance of this period for many members of our community. By moving the public holiday, we aim to create a more inclusive environment that allows residents to fully engage in both ASDD celebrations and Ramadan observances.

Relevant Documents

Available for viewing at the meeting

Nil

Background

ASDD holds significant cultural and historical importance in our community, especially as it approaches its 40th anniversary on 6 April 2024. Recognising the need for community involvement, the Shire proposes shifting the public holiday to 29 April 2024 to better align with community preferences and increase participation during ASDD celebrations.

Comments

The Shire plans to gather community feedback through announcements in the Atoll newsletter and social media platforms to ensure the decision aligns with the preferences of the majority of residents.

Pending Council approval, the Shire will formally request the Indian Ocean Territories (IOT) Administrator to change the ASDD public holiday date, providing rationale and detailing community consultation efforts.

Policy and Legislative Implications

Nil

Financial Implications

Nil. There are no direct financial implications associated with changing the ASDD public holiday date.

Strategic Implications

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

Objective C1: To support the community to improve understanding and celebration of the Cocos Malay history and culture.

Objective C2: To support the integration of the Home Island and West Island communities.

Object S2: S2: To establish good working relationships between groups and improve communication with the community.

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	There may be potential financial implications associated with the change in the ASDD public holiday date, such as the need to	Moderate 6	A thorough assessment of potential financial impacts should be conducted before implementing the change. Adequate

	adjust payroll schedules, potential impact on local businesses, and costs related to the organisation of commemorative events.		communication and support to local businesses can help mitigate any negative economic effects.
Health & Safety	Changes to public holiday dates may impact community activities and events, potentially affecting public safety. For instance, an increase in participation could lead to challenges in crowd management and emergency response.	High 12	A comprehensive health and safety plan should be developed for the commemorative events, addressing crowd control, emergency response, and any potential health risks associated with the change in date.
Reputation	The community's perception of the change may impact the reputation of the Shire. Resistance or dissatisfaction among residents could lead to negative publicity and harm the Shire's image.	Moderate 9	Effective communication strategies should be employed to transparently convey the reasons for the change and demonstrate responsiveness to community preferences. Engaging with key community stakeholders can also help manage perceptions.
Compliance	Failure to comply with relevant legislation or administrative procedures in the process of changing the public holiday date could result in legal and regulatory challenges.	Moderate 6	Prior to initiating the change, a review should be conducted to ensure compliance with all relevant laws and regulations. The proposed amendment should be aligned with the legal framework governing public holidays.
Environment	Commemorative events may have environmental impacts, such as	Moderate 9	Implementing environmentally sustainable practices for events, waste

	increased waste generation, noise pollution, or disruption to local ecosystems.		management plans, and assessing potential impacts on local ecosystems can help minimise the environmental footprint.
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Risk Matrix

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

Voting Requirements

Simple majority.

Conclusion

It is recommended that the Council endorses the proposal to seek community views on the proposed amendment to the ASDD public holiday date, shifting it from 8 April 2024 to 29 April 2024. Additionally, Council is urged to approve the Shire's formal communication with the IOT Administrator to request the date change, pending positive community feedback.

OFFICER RECOMMENDATION – ITEM NO 16.1

THAT COUNCIL:

1. BY SIMPLE MAJORITY, ENDORSES THE PROPOSAL TO SEEK COMMUNITY VIEWS ON THE PROPOSED AMENDMENT TO THE ACT OF SELF DETERMINATION DAY (ASDD) PUBLIC HOLIDAY DATE, SHIFTING IT FROM 8 APRIL 2024 TO 29 APRIL 2024; AND
2. RESOLVES TO FORMALLY REQUEST THE INDIAN OCEAN TERRITORIES (IOT) ADMINISTRATOR TO CONSIDER AMENDING THE DESIGNATED DATE OF THE 2024 ACT OF SELF DETERMINATION DAY PUBLIC HOLIDAY, SHIFTING IT FROM 8 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 16.1

MOVED CR I MINKOM

SECONDED CR BADLU

THAT COUNCIL:

- 1. BY SIMPLE MAJORITY, ENDORSES THE PROPOSAL TO SEEK COMMUNITY VIEWS ON THE PROPOSED AMENDMENT TO THE ACT OF SELF DETERMINATION DAY (ASDD) PUBLIC HOLIDAY DATE, SHIFTING IT FROM 8 APRIL 2024 TO 29 APRIL 2024; AND**
- 2. RESOLVES TO FORMALLY REQUEST THE INDIAN OCEAN TERRITORIES (IOT) ADMINISTRATOR TO CONSIDER AMENDING THE DESIGNATED DATE OF THE 2024 ACT OF SELF DETERMINATION DAY PUBLIC HOLIDAY, SHIFTING IT FROM 8 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.**

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

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

AGAINST: NIL

