

# Shire of Cocos (Keeling) Islands

## Shire of Cocos (Keeling) Islands

### Minutes

### Ordinary Meeting of Council

Wednesday 18 December 2024, 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 4:15pm 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 Lacy  
Cr Sloan

Officers: David Tombs, Manager Finance and Corporate Services  
Ibrahim Macrae, Manager Governance Risk and Planning  
Luluk Sloan, Infrastructure Coordinator  
Nadya Adim, Community Development Coordinator  
Amallia Alim, Governance Administration Officer  
Suzie Bulka, Leasing and Policy Development Officer

Guests: Nil

Public: 6

Apologies: 2

Approved Leave of Absence: 0

## 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

## 4. PUBLIC QUESTION TIME

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

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

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

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

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

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

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

Question 1: Before Council make a decision on waste management can we please have a community meeting with Shire Councillor? Maybe on both island as each island has different issues.

*Shire President: Thank you for the question. Yes, we could consider holding a community meeting before Council makes a decision on waste management.*

Question 2: Can Council please still keep advocating for a West Island Complaint Boat Ramp?

*Shire President: Yes, the question will be taken on notice. Council will continue to advocate for this important community facility.*

Question 3: Why was Green Waste moved at West Island Rumah Baru? The road has become invisible.

*Infrastructure Coordinator: Green waste was moved to Rumah Baru as it is our licensed premises on West Island for receiving and processing waste in accordance with our license. The previous location had issues, being situated on the water's edge, which made it difficult to process waste properly and was not within our licensed premises.*

**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

## **5.2 APPLICATION FOR LEAVE OF ABSENCE**

Cr Knight formally requested a leave of absence for the period from 11 February 2025 to 9 May 2025.

Cr Sloan formally requested a leave of absence for the period from 20 December 2024 to 10 January 2025.

### **COUNCIL RESOLUTION – ITEM NO 5.2**

**MOVED CR BADLU**

**SECONDED CR I MINKOM**

**THE COUNCIL APPROVES CR KNIGHT'S LEAVE REQUEST FOR THE PERIOD FROM 11 FEBRUARY 2025 TO 9 MAY 2025 AND CR SLOAN'S LEAVE REQUEST FOR THE PERIOD FROM 20 DECEMBER 2024 TO 10 JANUARY 2025.**

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

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

**AGAINST: NIL**



## 6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

## 7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING(S)

7.1 Ordinary Council Meeting held on 27 November 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 27 NOVEMBER 2024 AS PRESENTED IN ATTACHMENT 7.1 BE CONFIRMED AS A TRUE AND CORRECT RECORD OF PROCEEDINGS.

### COUNCIL RESOLUTION – ITEM NO 7.1

MOVED CR I MINKOM

SECONDED CR LACY

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 27 NOVEMBER 2024 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 LACY, MINKOM, MINKOM, SLOAN  
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 Isa Minkom	10.3.1	Impartiality	Direct employee of Parks Australia.
Cr Aindil Minkom	14.2	Impartiality	Direct employee of CC&IT.

## 10. REPORT FROM COMMITTEES AND OFFICERS

## 10.1 CHIEF EXECUTIVE OFFICER

### 10.1.1 CHIEF EXECUTIVE OFFICE REPORT – DECEMBER 2024

#### Report Information

Date: 11 December 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: Nil

#### Authority / Discretion

#### Definition

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

#### Report Purpose

The purpose of this report is to provide Council with an update of the actions of the Chief Executive Officer for the November/December 2024 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.

### AUIGF

Attended a meeting with Ian Sheldon, Director, Internet Governance Team, Communication Services and Consumer Division, Department of Infrastructure, Transport, Regional Development, Communications and the Arts and team member Jamie McPherson to discuss the recent AuIGF and outcomes from that. Actions coming from this meeting include greater connectivity for Shire staff with:

- auDA - au Domain Administration (auDA) administers the .au domain for the benefit of all Australians,
- ICANN - The Internet Corporation for Assigned Names and Numbers, world-wide and Pacific Region, and
- AuIGF – Leadership team and supporting agencies.

### Airport Upgrade Project

Attended an on-site meeting with Maritime Constructions to discuss Council staff involvement with the initial stages of the runway upgrade project i.e., construction of a laydown area for the Material Offload Facility (MOF). Shire staff and plant and equipment are currently involved in the initial stages of the MOF and works will increase post the Christmas New Year break moving into 2025.

### Civic Legal

Meeting with Civic Legal to discuss:

- Non-payment of waste management fees and charges by the Commonwealth – further information to be provided to Civic Legal to assist them in providing advice on this matter;
- Housing Policy – awaiting instructions from Council post workshop in January 2025;
- Housing rentals V leases – advice to be provided by Civic Legal in response to this matter; and
- IOTT/eNIC Verisign – waiting on instructions from Verisign on this matter.

### Cocos (Keeling) Island Roundtable Meeting

Attended a meeting chaired by the Indian Ocean Territories Administrator, Farzian Zainal to discuss child welfare and other social issues impacting the Cocos (Keeling) Islands community.

### Emergency Management Executive and Committee

Attended various meetings of the Emergency Management Committee and Executive relating to the tropical low and proposed tropical low that caused heavy rainfall and flooding especially on Home Island.

### Kampong Housing

A significant amount of time this month has been invested in researching and progressing issues with the Kampong Housing which includes:

- Meeting with Civic Legal – discussion leases versus rentals;
- Meeting with David Dalrymple and Sturt Glacken KC – trust deeds and future tenure for Cocos Malay residents – this is dealt with under separate report to Council;
- Issue of advertisement for tender to inspect 10 Kampong houses for structural integrity; and
- Development of the Housing Policy for workshop with Council prior to Community meeting to be held in January 2025.

### Visage Productions

Meeting with Lee Lorraine, Producer, Director of Visage Productions to explore the possibility of production of a documentary that focusses on the history and culture of the Cocos Malay population of the Cocos (Keeling) Islands.

*I'm currently calling for Expressions of Interest for a new television series, GREAT AUSSIE ROAD TRIPS, which is being produced by VISAGE Productions for an international audience reach.*

*For some background, the series has been re-developed from the successful ONE ROAD Great Australian Road Trips series, which has previously aired nationally on the Seven Network in Australia, with some solid audience numbers recorded. We have re-branded to Great Aussie Road Trips for further international appeal as I feel this gives the model a more to-the-point brand to suit international tourist markets. Everyone loves a road trip and this series will appeal to an extensive and diverse audience, including backpackers, sole travellers, couples, families, retirees and groups. The series will bring together some awesome stories to complement this magnificent country of ours.*

- *The series has been designed to profile drive destinations throughout Australia.*
- *There are opportunities for various regions/LGA's/RTO's/LTO's and State-based tourism organisations to collaborate in profiling particular focussed drive routes.*
- *No road trip scenario is out of reach as we want to profile unique drive routes, plus we're also looking to create new drive trip adventures to showcase all of Australia.*
- *We are also open to developing day-trip scenarios out of capital cities and regional hubs.*
- *SHOWCASE where you live and work.*
- *CONNECT across multiple platforms.*
- *This is an opportunity to put undiscovered destinations on the map, and also re-invigorate regions that may have fallen on hard times.*

*As a guide I have packaged together a selection of stories that were produced for the ONE ROAD series. This will give you an insight into the original concept and how we could take it to the next level.*

*The package: <https://vimeo.com/843561069> Password: visgartpromo*

*There are various options of how each episode can be funded, which I'd be happy to discuss further if there is some initial interest. FYI, this is a series that will air later this year therefore it will be a next FY spend as we'll go into production from July onwards for the half-hour program. I have attached a new series synopsis as well as some detailed information on our broadcast partners. Currently the broadcast reach via The Outdoor Channel is 17 countries (10+ million subscribers) and 7+ (Australia – 13+ million subscribers) and I am also in ongoing discussions with other territories and countries, looking to further expand the programs reach.*

*Are you passionate about showing off where you live and work - this is the perfect opportunity to do so via a road trip inspired adventure series?*

Discussions will continue in early 2025 and involve the Community Development Team as well as other organisations such as PKPK, PIPC and the Cocos (Keeling) Islands Tourism.

### **Voting Requirements**

Simple majority.

### **OFFICER RECOMMENDATION – ITEM NO 10.1.1**

THAT COUNCIL, BY SIMPLE MAJORITY, NOTE AND RECEIVE THE CHIEF EXECUTIVE OFFICER'S MONTHLY REPORT FOR DECEMBER 2024.

### **COUNCIL RESOLUTION – ITEM NO 10.1.1**

**MOVED CR LACY**

**SECONDED CR I MINKOM**

**THAT COUNCIL, BY SIMPLE MAJORITY, NOTE AND RECEIVE THE CHIEF EXECUTIVE OFFICER'S MONTHLY REPORT FOR DECEMBER 2024.**

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

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

### 10.1.2 COMMUNITY DEVELOPMENT REPORT NOVEMBER/DECEMBER 2024

#### Report Information

Date: 9 December 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: Nil

#### 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 updates on programs and events within the Community Development Team for the month of November/December 2024.

#### Community Development Coordinator Update

##### International Day of People with Disability 2024

The Day of Disability event for 2024 took place on the Wednesday 4 December 2024 at the Home Island Cyclone Shelter starting from 6.30pm – 8.00pm.

The event was an overwhelming success with eighty attendees including special guests. The turnout from the community was nothing short of inspiring. Their presence, enthusiasm and support made the event a meaningful and enriching experience. Together, we not only

celebrated the diversity and strength of our community but also raised awareness about the importance of accessibility and inclusion for all people.

### Australia Day Celebration 2025

We are excited to announce that the Australia Day Celebrations for 2025 will be held at the Home Island foreshore, ensuring a central and accessible location for most of our community members. This venue also provides a wonderful opportunity for those who were unable to attend previous Australia Day celebrations on Direction Island to come together and enjoy the festivities.

Thanks to a generous grant of \$8,800 from the National Australia Day Council, we can bring the community a fun-filled day of celebrations that highlight both our unique Cocos heritage and the traditional Australian festivities we all know and love. Special Ferry services has been requested given that the celebrations will take place on a Sunday. We are awaiting confirmation from CKI Ports for this request.

The event will showcase a blend of Cocos tradition, including a Scottish dance performance and exciting Jukong races with Trophies and Medals to be won, alongside the classic Australian Day activities such as Aussie Day games, a BBQ, and a range of other festive fun. We will then end the celebration with fireworks.

### Community Funding Program – Round 2 2024

We are pleased to inform that we have received two applications for the Community Funding Program – Round 2, 2024. Each applicant has requested funding of \$2,000.00 to support their respective organisations and initiatives.

After a thorough review, both applications have been approved by Frank Mills, our CEO, as of November 20th, 2024. This funding will enable the recipients to advance their community-driven projects and continue making a positive impact in their local areas.

### Business Improvement Grant – Round 2 2024

The Business Improvement Grant – Round 2 2024 has been advertised and application closes on Monday 23 December 2024 by 4.00pm.

### **Community Development Officer – Culture and Heritage update**

#### Jukong Restoration Project/Chula Shed

Tim Eastwood's SDA Manager has confirmed her visit to the Cocos Islands from 10 to 13 December 2024. During her visit, she will inspect the Chula Shed, meet with Nek Ainul and Nek Callum to interview them about their Jukong Restoration Projects, and explore the Home Island Museum on Wednesday, 11 December.

Batik Revival Project

Lodged the Batik Project Grant Agreement on 4/12/2024 – looking out for \$24,824.33 coming our way!

Niamh’s on leave

Niamh Swingler is currently on leave until the 3<sup>rd</sup> of January 2025.

**Youth & Recreation Officer Update**

Anita has returned to work on 9 December 2024, after a long period of leave. She is currently in the process of drafting the Term 4 School Holiday Programs, which will soon be advertised on the Shire’s Facebook page to ensure our community is informed and engaged. Home Island Playgroup will also resume on Monday 16 December from 8.30am – 10.00am.

Additionally, Anita will be working closely with the Community Development Coordinator on the planning and coordination of the Australia Day Celebrations for 2025.

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	Budget allocations may be exceeded.	Moderate (6)	Monitor variances and report them to Council for corrective action.
Reputation	Monthly financial statements are open to public scrutiny.	Low (3)	Ensure all expenditures are justifiable.
Compliance	Report to be presented to Council within two months to comply with legislation.	Low (3)	Processes in place to ensure compliance.
Fraud	Risk of report manipulation.	Low (3)	Interim and end-of-year audits.

**Risk Matrix**

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

**Voting Requirements**

Simple majority.



**OFFICER RECOMMENDATION – ITEM NO 10.1.2**

THAT COUNCIL, BY SIMPLE MAJORITY, NOTE AND RECEIVE THE SHIRE'S COMMUNITY DEVELOPMENT COORDINATOR'S MONTHLY UPDATE FOR NOVEMBER/DECEMBER 2024.

**COUNCIL RESOLUTION – ITEM NO 10.1.2**

**MOVED CR SLOAN**

**SECONDED CR LACY**

**THAT COUNCIL, BY SIMPLE MAJORITY, NOTE AND RECEIVE THE SHIRE'S COMMUNITY DEVELOPMENT COORDINATOR'S MONTHLY UPDATE FOR NOVEMBER/DECEMBER 2024.**

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

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

**AGAINST: NIL**

### 10.1.3 PARKS AUSTRALIA REPORT

#### Report Information

Date: 11 December 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: 10.1.3.1 - CKI Advisory Committee TOR – Draft for Comment

#### 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 provide seek Council advice and direction regarding a suggested merge of the Pulu Keeling National Park Management Advisory Committee and the Cocos (Keeling) Islands Marine Park Management Plan Advisory Committee.

#### Relevant Documents

Available for viewing at the meeting.

#### Background

In July 2024, Mike Misso, Director: Indian Ocean Territories Marine Parks, Grants, proposed the merging of the Pulu Keeling National Park Management Advisory Committee and the Cocos Keeling Islands Marine Park Management Plan Advisory Committee.

*As briefly discussed during our recent visit.*

*In discussion with the PKNP management advisory committee and the CKI marine park management plan advisory committee (established to advise on the preparation of the marine park management plan), there is general support for a combined committee to advise on the management of both parks.*

*Attached is a draft Terms of Reference (TOR) for a combined committee. However, before we progress this further, we wanted to get your initial views, particularly given PKNPs lease arrangements (second attachment).*

*Following incorporating your initial comments, a potential approach to finalise the TOR could/would be:*

- *Seek comments from senior Parks Australia staff.*
- *Seek the views of the PKNP and CKI marine park committees and (if needed) revise the TOR.*
- *Formal endorsement of the TOR from Parks Australia and the Shire (this could be done via the final TOR and a letter of exchange)*

A draft terms of reference document for the merged body has been prepared and is attached as per attachment 10.1.3.1.

Recent discussion with Trish Flores, Parks Australia and Dr Derek Ball, Park Manager, Christmas/Cocos (Keeling) Islands, Parks Australia requested the tabling and in-principal support of the Terms of Reference document as attached.

On the assumption the Terms of Reference document is agreed to, there is a request for Nominations from the Shire for the new committee (at-least 6 Cocos (Keeling) Islands Shire Council nominees, two of which are to be members of Cocos Marine Care).

### **Policy and Legislative Implications**

Nil

### **Financial Implications**

Nil

### **Strategic Implications**

It is strategically prudent for Council to understand and support the merge of the two committee and adopt the Terms of Reference Document.

### **Voting Requirements**

Simple majority.

**OFFICER RECOMMENDATION – ITEM NO 10.1.3**

THAT COUNCIL, BY SIMPLE MAJORITY:

1. ENDORSE THEIR SUPPORT FOR THE MERGING OF THE PULU (KEELING) NATIONAL PARK MANAGEMENT ADVISORY COMMITTEE AND THE COCOS (KEELING) ISLANDS MARINE PARK MANAGEMENT PLAN ADVISORY COMMITTEE TO A SINGLE COMMITTEE TO BE KNOWN AS THE PARKS AUSTRALIA COCOS (KEELING) ISLANDS, COMMUNITY ADVISORY COMMITTEE;
2. PROVIDE “IN-PRINCIPLE” SUPPORT FOR THE TERMS OF REFERENCE FOR THE PARKS AUSTRALIA COCOS (KEELING) ISLANDS COMMUNITY ADVISORY COMMITTEE AS TABLED;
3. NOMINATE AT-LEAST 6 COCOS (KEELING) ISLANDS SHIRE COUNCIL NOMINEES, TWO OF WHICH ARE MEMBERS OF COCOS MARINE CARE TO BE PART OF THE NEW PARKS AUSTRALIA COCOS (KEELING) ISLANDS COMMUNITY ADVISORY COMMITTEE.

**COUNCIL RESOLUTION – ITEM NO 10.1.3**

MOVED CR LACY

SECONDED CR BADLU

THAT COUNCIL, BY SIMPLE MAJORITY:

1. ENDORSE THEIR SUPPORT FOR THE MERGING OF THE PULU (KEELING) NATIONAL PARK MANAGEMENT ADVISORY COMMITTEE AND THE COCOS (KEELING) ISLANDS MARINE PARK MANAGEMENT PLAN ADVISORY COMMITTEE TO A SINGLE COMMITTEE TO BE KNOWN AS THE PARKS AUSTRALIA COCOS (KEELING) ISLANDS, COMMUNITY ADVISORY COMMITTEE;
2. PROVIDE “IN-PRINCIPLE” SUPPORT FOR THE TERMS OF REFERENCE FOR THE PARKS AUSTRALIA COCOS (KEELING) ISLANDS COMMUNITY ADVISORY COMMITTEE AS TABLED;
3. NOMINATE AT-LEAST 6 COCOS (KEELING) ISLANDS SHIRE COUNCIL NOMINEES, TWO OF WHICH ARE MEMBERS OF COCOS MARINE CARE TO BE PART OF THE NEW PARKS AUSTRALIA COCOS (KEELING) ISLANDS COMMUNITY ADVISORY COMMITTEE.

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

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

**AGAINST:** NIL

## 10.2 MANAGER FINANCE AND CORPORATE SERVICES

### 10.2.1 MONTHLY FINANCIAL REPORT – NOVEMBER 2024

#### Report Information

Date:	10 December 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 – September 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 November 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.

## 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 the 5 months ended November 2024. The current closing municipal surplus for this period is \$1.38m compared to a budget position of \$0.34m.

Income for the year to date is \$5.29m which comprises \$5.29m in operating revenues and \$0 in capital grants. The budget for the same period was \$6.27m, resulting in a budget variance of \$0.98m. The main cause of this was a receipt of around \$0.6m being received in June 2024 but budgeted in the 2024/25 financial year and other timing differences relating to ICT income.

Expenditure for the period year to date is \$3.28m excluding depreciation. This is made up of \$3.18m in operating expenditure and \$0.1m in capital expenditure. The budget for the same period was \$4.52m, resulting in a budget variance of \$1.24m.

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)
<b>Almost Certain (5)</b>	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
<b>Likely (4)</b>	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
<b>Possible (3)</b>	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
<b>Unlikely (2)</b>	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
<b>Rare (1)</b>	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 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*;

1. RECEIVES THE MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 30 NOVEMBER 2024, AS CONTAINED IN ATTACHMENT 10.2.1.1; AND
2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 30 NOVEMBER 2024, AS CONTAINED IN ATTACHMENT 10.2.1.2.

### COUNCIL RESOLUTION – ITEM NO 10.2.1

MOVED CR SLOAN

SECONDED CR I MINKOM

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

1. RECEIVES THE MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 30 NOVEMBER 2024, AS CONTAINED IN ATTACHMENT 10.2.1.1; AND
2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 30 NOVEMBER 2024, AS CONTAINED IN ATTACHMENT 10.2.1.2.

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

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

**AGAINST:** NIL



## 10.3 MANAGER INFRASTRUCTURE

### 10.3.1 INFRASTRUCTURE NOVEMBER/DECEMBER REPORT

#### Report Information

Date: December 2024  
 Location: Cocos (Keeling) Islands  
 Applicant: Shire of Cocos (Keeling) Islands  
 File Ref:  
 Disclosure of Interest:  
 Reporting Officer: Infrastructure Coordinator  
 Island: Cocos (Keeling) Islands  
 Attachments: Nil

#### Authority / Discretion

#### Definition

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

#### Report Purpose

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

#### Relevant Documents

Nil

## **Background**

### Building and Plumbing

In this reporting period the building team has completed the rebuild of the main shelter on Direction Island. The next couple of months the team will continue with budgeted capital projects as planned.

### Roads

Over the last couple of months, we have had received various comments and have had to close South End Road due to damages to its surfaces from the rain and flooding. In the new year we aim to conduct research into funding opportunities to assist in road renewal especially unsealed ones on both West and Home Island.

### Civil Works

We have signed hire agreements with Maritime Construction for the provision of plant and labour for the stilling basin works. The works have commenced and will break just before Christmas with the continuation of works to recommence in the new year. Our plant operators have completed required Verification of Competency (VOC) as part of the onboarding processes. We look forward to working with Maritime Construction as well as Fulton Hogan in the provision of any services they may require throughout their project delivery.

### Environment

Huge thanks go out to Sea Shepherd for their ongoing efforts, dedication, and determination with the beach cleanups that the team undertook during their last visit in October. The project coordinator has provided a full report of their data collection to the Shire's Environment Officer, and it is simply astounding to see the sheer volume of marine debris that was collected across the atoll.

With the recent frequent rainy conditions, we have experienced we envisage to be more proactive in the delivery of service to the community with flooding assistance within the kampong. We continue to engage in conversations with regards to ways on how we can minimise the impacts flooding has on the residential dwellings, road infrastructure and other delivery of service.

Over the past few months, we have seen success in rehabilitation planting of small plant and shrubs around coastal areas on Home Island. In the new year we plan to have a set program not only for planting but also for propagating, harvesting as well as beautification.

### Waste Management

We have been busy with cleaning and packing of air-condition units for off island disposal. We continue to remind the community of the importance to dispose of any waste streams accordingly.

**Comment**

This report is a basis to provide Council with updates and status of approved capital and operational activities within this reporting period.

**Policy and Legislative Implications**

Nil

**Financial Implications**

Project finances continue to be monitored to ensure wherever works are done within scope and set allocated budget. Should there be any unforeseen variances such as increase in freight and shipping these will be 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 not resolved.

**Risk Implications**

<b>Risk Category</b>	<b>Description</b>	<b>Rating (consequence x likelihood)</b>	<b>Mitigation Action</b>
Financial	Projects exceed budget allocation	Moderate	Ensure projects are delivered in schedule time and finances are monitored.
Health & Safety	Staff do not comply with Work Health and Safety requirements	Moderate	Adequate training all for staff and constant monitoring by WHS Representatives, Supervisors and Managers that requirements are adhered to.
Reputation	Projects are not delivered and up to required standard	Moderate	Works are scheduled and project updates are provided accordingly
Service Interruption	Loss of key personnel to undertake project	Moderate	Ensure adequate staff is available for project delivery – limit number of projects to be delivered each FY
Compliance	Non-compliant with regulations and codes	Low	Ensure Supervisors and Managers have the necessary knowledge

			in standards, regulations and codes.
Property	Damage to property	Moderate	Ensure staff are aware of their surroundings and to avoid damage to property as necessary.
Environment	Damage to environment and surroundings	Moderate	Ensure minimal impact on environment at every means possible. Rehabilitation and replanting of area at the completion should it be impacted by project.

### Risk Matrix

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

### Voting Requirements

Simple majority.

#### OFFICER RECOMMENDATION – ITEM NO 10.3.1

THAT COUNCIL, BY SIMPLE MAJORITY, RECEIVES THE SHIRE'S INFRASTRUCTURE MONTHLY UPDATE FOR NOVEMBER/DECEMBER 2024.

#### COUNCIL RESOLUTION – ITEM NO 10.3.1

MOVED CR LACY

SECONDED CR I MINKOM

THAT COUNCIL, BY SIMPLE MAJORITY, RECEIVES THE SHIRE'S INFRASTRUCTURE MONTHLY UPDATE FOR NOVEMBER/DECEMBER 2024.

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

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

AGAINST: NIL

## **11. MINUTES TO BE RECEIVED**

Nil

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

Nil

## **13. MOTIONS WITHOUT NOTICE WITH LEAVE OF COUNCIL**

Nil

## **14. MATTERS BEHIND CLOSED DOOR**

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

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

*The gallery left the meeting room at 4:47pm.*

### **PROCEDURAL MOTION**

**MOVED CR LACY**

**SECONDED CR SLOAN**

**THAT COUNCIL BY SIMPLE MAJORITY, RESOLVES TO MOVE BEHIND CLOSED DOORS AT 4:48PM 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 (6/0)**

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

**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 5:13PM.**

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

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

**AGAINST:** NIL

**14.1 FOCUS NETWORKS MONTHLY MANAGEMENT REPORT - CONFIDENTIAL**

**Report Information**

Date: 02 December 2024  
 Location: Cocos (Keeling) Islands  
 Applicant: Shire of Cocos (Keeling) Islands  
 File Ref:  
 Disclosure of Interest:  
 Reporting Officer: ICT Coordinator  
 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 type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application / matter that directly affects a person’s right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i>
<input checked="" type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

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

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

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (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 SIMPLE MAJORITY, NOTE AND RECEIVE THE ICT COORDINATOR'S FOCUS NETWORKS MONTHLY MANAGEMENT REPORT FOR NOVEMBER 2024 AND THE QUARTERLY MEETING REPORT, AS CONTAINED IN ATTACHMENT 14.1.1 AND 14.1.2.**

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

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

**AGAINST: NIL**



## 14.2 INFORMATION COMMUNICATIONS TECHNOLOGY REPORT 2024 - CONFIDENTIAL

### Report Information

Date: 10 December 2024  
 Location: Cocos (Keeling) Islands  
 Applicant: Shire of Cocos (Keeling) Islands  
 File Ref:  
 Disclosure of Interest:  
 Reporting Officer: ICT Coordinator  
 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 type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i>
<input checked="" type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

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

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

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (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 14.2**

AS PER THE CONFIDENTIAL ITEM.

**COUNCIL RESOLUTION – ITEM NO 14.2**

MOVED CR SLOAN

SECONDED CR BADLU

THAT COUNCIL, BY SIMPLE MAJORITY, NOTE AND RECEIVE THE ICT COORDINATOR'S UPDATE FOR DECEMBER 2024.

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

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

AGAINST: NIL

### 14.3 TRUST DEED MEMORANDUM - CONFIDENTIAL

#### Report Information

Date: 12 December 2024  
 Location: Cocos (Keeling) Islands  
 Applicant: Chief Executive Officer  
 File Ref: Nil  
 Disclosure of Interest: CONFIDENTIAL  
 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 type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i>
<input checked="" type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

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

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

- (f) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (g) 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*
- (h) 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 14.3**

AS PER THE CONFIDENTIAL ITEM.

**COUNCIL RESOLUTION – ITEM NO 14.3**

MOVED CR I MINKOM

SECONDED CR BADLU

THAT COUNCIL, BY SIMPLE MAJORITY:

1. NOTE AND RECEIVE THIS REPORT AND THE TABLED MEMORANDUM.
2. ENDORSE AND APPROVE THAT FURTHER DISCUSSION RELATING TO THE TABLED MEMORANDUM BE POSTPONED UNTIL A COUNCIL WORKSHOP IS CONVENED IN JANUARY 2025.

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

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

AGAINST: NIL

**15. MATTERS RELATING TO THE LAND TRUSTS**



## MATTERS RELATING TO THE LAND TRUST 1979 AND LAND TRUST 1984

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

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

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

## 15.1 TRUSTS ADMINISTRATION

Nil

## 15.2 TRUSTS LEASES

Nil

## 15.3 TRUSTS FINANCE

Nil

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

### 16.1 ANNUAL REPORT 2023 - 2024

#### Report Information

Date: 16 December 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: 16.1.1 – Shire of Cocos (Keeling) Islands Annual Report 2023-2024

#### 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 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 request Council's endorsement and adoption of the Shire of Cocos (Keeling) Islands Annual Report for the 2023–2024 financial year.

## Relevant Documents

Available for viewing at the meeting.

## Background

The *West Australian Local Government Act 1995* requires the Shire to submit an Annual Report for each financial year by 31 December of the following financial year. Under Section 5.54(1), Council may adopt the Annual Report even if the auditor's report is not available by this deadline.

The Annual Report for the 2023–2024 financial year does not currently include the auditor's report. However, it has been tabled with this report and contains all other required content, including a note indicating that the auditor's report will be appended once received.

When the Auditor's Report Becomes Available:

- In accordance with Section 5.54(2), once the auditor's report is received, Council must adopt the updated Annual Report within two months.
- Staff will ensure transparency and compliance by notifying the community of the delay and providing a clear timeline for the inclusion of the auditor's report.

Before adoption, the updated Annual Report, including the auditor's report, can be reviewed by the Audit Committee before being presented to Council for formal adoption.

## Policy and Legislative Implications

Adhering to the process outlined in this report will ensure compliance with all statutory and legislative requirements.

## Financial Implications

Nil

## Strategic Implications

It is a statutory requirement for Council to adopt the Annual Report.

## Voting Requirements

Simple majority.

**OFFICER RECOMMENDATION – ITEM NO 16.1**

THAT COUNCIL, BY SIMPLE MAJORITY:

1. ADOPT THE ANNUAL REPORT AS TABLED.
2. INFORM THE COMMUNITY OF THE REASON FOR THE LATE LODGEMENT OF THE AUDITOR'S REPORT AND PROVIDE AN EXPECTED TIMEFRAME FOR ITS RECEIPT BY COUNCIL.

**COUNCIL RESOLUTION – ITEM NO 16.1**

**MOVED CR LACY**

**SECONDED CR I MINKOM**

THAT COUNCIL, BY SIMPLE MAJORITY:

1. ADOPT THE ANNUAL REPORT AS TABLED.
2. INFORM THE COMMUNITY OF THE REASON FOR THE LATE LODGEMENT OF THE AUDITOR'S REPORT AND PROVIDE AN EXPECTED TIMEFRAME FOR ITS RECEIPT BY COUNCIL.

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

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



## 16.2 COMMONWEALTH WASTE MANAGEMENT FEES

### Report Information

Date: 17 October 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 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–*

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (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 16.2**

AS PER THE CONFIDENTIAL ITEM.

**COUNCIL RESOLUTION**

MOVED CR LACY

SECONDED CR I MINKOM

THAT COUNCIL SUSPEND STANDING ORDERS, THE TIME BEING 5:00PM.

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

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

AGAINST: NIL

**COUNCIL RESOLUTION**

MOVED CR LACY

SECONDED CR I MINKOM

THAT COUNCIL RESUME STANDING ORDERS, THE TIME BEING 5:13PM.

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

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

AGAINST: NIL

**COUNCIL RESOLUTION – ITEM NO 16.2**

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

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

AGAINST: NIL

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

