

Shire of Cocos (Keeling) Islands

Shire of Cocos (Keeling) Islands

Minutes

Ordinary Meeting of Council

Wednesday 23 April 2025, 4:00pm

Council Chambers, Shire Administration Building

Lot 256 Jalan Bunga Melati, Home Island

Disclaimer

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

OUR VALUES

Service

Provide the best service we can.

We serve the community and each other.

Accountability

We take responsibility for our own actions.

We do what we say we will do.

Mistakes are an opportunity to learn.

Support

We support our team and our community.

Look for opportunities to help each other.

Respect

We respect and value others.

Our interactions are always respectful towards others.

Integrity

We will be honest and transparent with all our dealings.

Maintain confidentiality.

Trust each other.

Achievement

Being proactive and enabling the outcomes.

Be creative and think outside the square.

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1. OPENING/ANNOUNCEMENTS OF VISITORS

The Presiding member declared the meeting open at 4:06pm and welcomed Councillors and Officers.

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

President: Cr A Minkom

Deputy President: Cr I Minkom

Councillors: Cr Lacy
Cr Sloan
Cr Young

Officers: Frank Mills, Chief Executive Officer
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

Guests: Nil

Public: 1

Apologies: Cr Sloan

Approved Leave of Absence: Cr Knight
Cr Badlu

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: Has the Shire allowed in their budget to keep the Shelter on Direction Island, Trannies. South Island, The Spot, Scout Park up to standard with lighting as the Sorresons have been doing it for years and the gas BBQ in working orders

Chief Executive Officer: Yes, we have allowed in the annual budget for the maintenance and upkeep of Direction Island and the other places mentioned. The gas bottle and BBQ should be in working order and checked by our staff. We are very much aware of the work the Sorrensons have done for a long time, and we can pick up from them at any time.

Question 2: Where in the Budget was Lawyer Fees and how much is there a Cap?

Chief Executive Officer: It would be under consultancy, there is no cap as such because legal matters arise unexpectedly and need to be met. If there is a budget shortfall it will go to Council for a variation.

Question 3: When are we going to have a qualified "Works Manager"

Chief Executive Officer: There is no plan to include a "qualified" works manager in the organisation structure at this point in time.

Question 4: Have you got the materials on Island for the roads, crossovers and the staff. Also do you have a completion time.

Chief Executive Officer: Yes, we have the materials and works will be included in the program of road works that is being developed at the moment. This will commence soon and be finished as soon as possible.

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 Knight	11 February 2025 – 9 May 2025	18 December 2025
Cr Badlu	28 March 2025 – 1 May 2025	26 March 2025

5.2 APPLICATION FOR LEAVE OF ABSENCE

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING(S)

7.1 Ordinary Council Meeting held on 26 March 2025 - 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 26 MARCH 2025 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 YOUNG

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 25 SEPTEMBER 2024 AS PRESENTED IN ATTACHMENT 7.1 BE CONFIRMED AS A TRUE AND CORRECT RECORD OF PROCEEDINGS.

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

FOR: LACY, MINKOM, MINKOM, YOUNG

AGAINST: NIL

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

Nil

9. DECLARATION OF INTERESTS

Councillors are to complete a Disclosure of Interest Form for each item they are required to disclose an interest in. The Form should be given to the Presiding Member before the meeting

commences. After the meeting, the Form is to be provided to the Governance and Risk Coordinator for inclusion in the Disclosures Register.

Name	Item No.	Interest	Nature
NIL			

10. REPORT FROM COMMITTEES AND OFFICERS

10.1 CHIEF EXECUTIVE OFFICER

10.1.1 COMMUNITY DEVELOPMENT REPORT MARCH AND APRIL 2025

Report Information

Date: 15 April 2025
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Community Development Coordinator
 Island: Shire wide
 Attachments: 10.1.1.1 - School Holiday Program Term 2 EASTER

Authority / Discretion

Definition

☐	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
☐	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>
☐	Legislative	<i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>
☐	Quasi-Judicial	<i>When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i>
☒	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

Report Purpose

To provide Council with an update on programs and events undertaken by the Community Development Team in March and April 2025.

Community Development Coordinator Update

Business Improvement Grant

Three (3) Business Improvement Grant applications were received and approved by Acting CEO, Ibrahim Macrae, on Wednesday, 9 April 2025. Grant value: \$3,000 per business (capped at five businesses per financial year).

Library Services – Hours of Operation

West Island Library

- *Non-Freighter Week:*
 - Wednesday: 3:30 pm – 5:30 pm, 6:00 pm – 8:00 pm
- *Freighter Week:*
 - Wednesday & Friday: 3:30 pm – 5:30 pm

Home Island Library

- Monday: 7:00 pm – 9:00 pm
- Thursday: 3:30 pm – 5:30 pm

Youth & Recreation Officer Update

School Holiday Program:

The Easter School Holiday Program was advertised to the community on Monday, 14 April 2025. See attached program for further details.

Upcoming Visits:

Sport	Coach	Dates
NRL Rugby	Gethin Thomas	13-16 May 2025
Volleyball	Coach Jose	Early June (TBC)
Olympics	TBC	Late June (TBC)

Community Development Officer – Culture & Heritage

Projects in Progress:

- ASDD + 40 Tahun 40 Cerita
- Batik Revival Project
- ANZAC Day Commemorations

ASDD & 40 Tahun 40 Cerita:

- Winners of the ASDD Cultural Bingo have been announced: Congratulations to Sinead and Lani! Each received a copy of *40 Tahun 40 Cerita*.
- Five copies of the book were sold during Market Day.

- CKITA has generously agreed to stock the book without commission to support the project. Appreciation is extended to CKITA for their ongoing support.

Batik Revival Project:

- As of the report date, only five (5) places remain available for the community workshops. Community interest and support have been strong.
- All school workshops have been confirmed, and facilitator Jacky is finalising arrangements.
- Materials are expected to arrive on the 18 April freighter.
- Workshops are scheduled to commence on 30 April 2025.

ANZAC Day:

- Planning for the 2025 Dawn Service is underway. "Save the Date" notices have been circulated to the community.

Risk Implications

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)
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 10.1.1

THAT COUNCIL, BY SIMPLE MAJORITY, NOTE AND RECEIVE THE COMMUNITY DEVELOPMENT COORDINATOR'S MONTHLY UPDATE FOR MARCH AND APRIL 2025.

COUNCIL RESOLUTION – ITEM NO 10.1.1**MOVED CR LACY****SECONDED CR YOUNG**

THAT COUNCIL, BY SIMPLE MAJORITY, NOTE AND RECEIVE THE COMMUNITY DEVELOPMENT COORDINATOR'S MONTHLY UPDATE FOR MARCH AND APRIL 2025.

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

FOR: LACY, MINKOM, MINKOM, YOUNG

AGAINST: NIL

10.2 MANAGER FINANCE AND CORPORATE SERVICES

10.2.1 MONTHLY FINANCIAL REPORT – MARCH 2025

Report Information

Date: 14 April 2025
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: NIL
 Reporting Officer: Manager Finance & Corporate Services
 Island: Shire Wide
 Attachments: 10.2.1.1 - Monthly Financial Report – March 2025
 10.2.1.2 – CONFIDENTIAL – Note 12 Additional Information Council

Authority / Discretion

Definition

☐	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
☒	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>
☐	Legislative	<i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>
☐	Quasi-Judicial	<i>When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i>
☐	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

Report Purpose

The purpose of this report is to provide a monthly financial report for March 2025, 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 9 months ended 31 March 2025. The current closing municipal surplus for this period is \$3.3m compared to a budget position of \$0.09m.

(Note: The budget amendments as per the Mid-Year Budget Review have not yet been fully loaded into the general ledger at the time of generating this report.)

Income for the year to date is:

- Operating Revenues \$8.1m
- Capital grants \$0.1m
- Total \$8.2m

(Note: cash receipts for the year to date are around \$1m higher but due to the accounting treatment of these, they are not recorded as revenue for 2024/25)

The budget for the same period was \$9.3m, resulting in a budget variance of \$1.1m. The main cause of this was a timing difference related to the receipt of income associated with the Top-Level Domain arrangement.

Council's expenditure for the period is summarised in the following table:

Type	Actual	Budget	Variance
	\$m	\$m	\$m
Operating Expenditure			
Excluding Depreciation	5.06	6.39	1.33
Depreciation	1.04	1.12	0.08
Total	6.10	7.51	1.41
Capital Expenditure	0.78	1.30	0.53

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:

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

Strategic Implications

Nil

Risk Implications

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

Risk Matrix

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

Voting Requirements

Simple majority.

Conclusion

That the Monthly Financial Report for the period ending 31 March, 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 31 MARCH 2025, AS CONTAINED IN ATTACHMENT 10.2.1.1; AND
2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 31 MARCH 2025, AS CONTAINED IN ATTACHMENT 10.2.1.2.

COUNCIL RESOLUTION – ITEM NO 10.2.1

MOVED CR LACY

SECONDED CR YOUNG

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

1. RECEIVES THE MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 MARCH 2025, AS CONTAINED IN ATTACHMENT 10.2.1.1; AND
2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 31 MARCH 2025, AS CONTAINED IN ATTACHMENT 10.2.1.2.

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

FOR: LACY, MINKOM, MINKOM, YOUNG

AGAINST: NIL

10.2.2 SCHEDULE OF ACCOUNTS PAID FOR THE PERIOD FEBRUARY 2025

Report Information

Date: 17 April 2025
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: Senior Finance Officer
 Island: Shire Wide
 Attachments: 10.2.2.1 - Schedule of Accounts Paid – February 2025

Authority / Discretion

Definition

☐	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
☐	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>
☒	Legislative	<i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>
☐	Quasi-Judicial	<i>When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i>
☐	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

Report Purpose

The purpose of this report is to present to Council a list of accounts paid under delegated authority for the period February 2025, 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 11299 - 11356	\$262,897.78
Direct Debit Payment	\$75,867.74
Cheque Payment #11765-#11767	\$7,092.92
Total Payments	\$345,858.44

Contained within Attachment 10.2.2.1 is a detailed transaction listing of payments, including credit card expenditure and fuel card expenditure as per the Summary table above. Report for March will be presented next month.

Policy and Legislative Implications

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

Strategic Implications:

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

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

Risk Implications

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

Risk Matrix

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

Voting Requirements

Simple majority.

Conclusion

It is recommended that Council receives the reports provided for the period February 2025.

OFFICER RECOMMENDATION – ITEM NO 10.2.2

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

1. RECEIVES THE REPORT FROM THE CHIEF EXECUTIVE OFFICER ON THE EXERCISE OF DELEGATED AUTHORITY IN RELATION TO PAYMENTS MADE FROM MUNICIPAL OR TRUST FUNDS FOR THE PERIOD FEBRUARY 2025 TOTALLING \$345,858.44 AS CONTAINED IN ATTACHMENT 10.2.2.1.
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD AND FUEL CARD EXPENDITURE FOR THE PERIOD FEBRUARY 2025, AS CONTAINED IN ATTACHMENT 10.2.2.1.

COUNCIL RESOLUTION – ITEM NO 10.2.2

MOVED CR I MINKOM

SECONDED CR LACY

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

1. RECEIVES THE REPORT FROM THE CHIEF EXECUTIVE OFFICER ON THE EXERCISE OF DELEGATED AUTHORITY IN RELATION TO PAYMENTS MADE FROM MUNICIPAL OR TRUST FUNDS FOR THE PERIOD FEBRUARY 2025 TOTALLING \$345,858.44 AS CONTAINED IN ATTACHMENT 10.2.2.1.
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD AND FUEL CARD EXPENDITURE FOR THE PERIOD FEBRUARY 2025, AS CONTAINED IN ATTACHMENT 10.2.2.1.

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

FOR: LACY, MINKOM, MINKOM, YOUNG

AGAINST: NIL

10.3 MANAGER INFRASTRUCTURE

10.3.1 INFRASTRUCTURE APRIL 2025 REPORT

Report Information

Date: 15 April 2025
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Infrastructure Coordinator
 Island: Shire wide
 Attachments: Nil

Authority / Discretion

Definition

☒	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
☒	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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☒	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 inform Council of key activities, progress, and challenges experienced by the Shire's Infrastructure team during the April 2025 reporting period. This includes updates on capital works, building and maintenance projects, environmental management, and roads and civil works across the Cocos (Keeling) Islands.

Relevant Documents

Nil

Background

Building and Plumbing

Freight disruptions have delayed the commencement and completion of several planned projects. Shipping backlogs and vessel capacity constraints have pushed multiple timelines out by approximately three months.

In spite of these issues, the team has proactively sourced and stored materials and equipment locally, allowing for partial progress to be made on key capital works. Notable achievements during the period include:

Completion of framing and plumbing works for the studio demountable building.

Veranda framing for Bungalow 1 has also been completed.

Ongoing collaboration with the Community Development team, supporting projects within the Museum Precinct and undertaking refurbishments at the Chula and Rice Shed facilities.

The reinstallation of solar hot water systems, delayed due to equipment arriving late on the most recent shipment, is now scheduled to begin in the coming week. This work has been prioritised in light of community needs and recent weather impacts.

Roads

The Shire has received multiple community reports regarding the poor condition of road surfaces, particularly following recent periods of heavy rain. The team has undertaken the following during the reporting period:

- Home Island:
 - Minor pothole patching works have been completed around the Kampong area.
 - Major maintenance works are currently being scoped and scheduled for the upcoming financial year, which will require the relocation of plant and machinery from West Island.
- West Island:
 - Patching works have commenced along South End Road following heavy rainfall.
 - Road users are reminded of the need to adhere to road closure signage. During the March road closure, concerns were raised by the AFP Territory Controller regarding motorists accessing flooded roads, which poses significant safety risks and undermines road maintenance work.

Further concerns have been noted in relation to the deteriorating condition of Sydney Highway, particularly around the sandbag wall area. These sections are seeing increased wear due to heavy vehicle movements and have been elevated in priority for maintenance works. Additionally, due to ongoing freight delays, brick pavers required for the repaving of Jalan Masjid and Jalan Kembang Molok have not yet arrived. While the Shire continues to liaise with suppliers to expedite delivery, it is likely that one or both road upgrades will be postponed to the next financial year.

Civil Works

The Infrastructure team continues to provide crucial logistical and plant support to Maritime Construction and its contractors during the development of the Marine Offloading Facility at Rumah Baru. This collaboration is essential in progressing the delivery of critical marine infrastructure.

Environment

The recent low-pressure weather systems have created additional demands on the Infrastructure team in managing public spaces. Maintenance of parks and reserves across both islands has remained a priority.

With team members gradually returning from leave and resuming full duties following the fasting period, the Shire expects to return to full implementation of the grounds maintenance program over the coming weeks.

Policy and Legislative Implications

Nil

Financial Implications

Project budgets continue to be monitored closely to ensure works are delivered within scope and funding allocations. Freight and shipping delays have introduced potential cost variances, and the Infrastructure team is proactively identifying these early, particularly for projects not yet commenced.

Any significant changes to budget requirements will be brought to Council's attention through the appropriate reporting channels.

Strategic Implications

Nil

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	Projects exceed budget allocation	Moderate	Ensure projects are delivered on time and finances are closely monitored.
Health & Safety	Staff do not comply with WHS requirements	Moderate	Provide adequate training and ensure ongoing monitoring by WHS Representatives.
Reputation	Projects not delivered to required standard	Moderate	Maintain project scheduling and provide regular updates.

Service Interruption	Loss of key personnel for project delivery	Moderate	Ensure staffing levels support delivery; limit number of projects each FY.
Compliance	Non-compliance with regulations and codes	Low	Ensure Supervisors and Managers are well-versed in relevant standards.
Property	Damage to property	Moderate	Promote staff awareness of surroundings to minimise risk of damage.
Environment	Environmental impact	Moderate	Minimise impact wherever possible, with rehabilitation and replanting as needed.

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 UPDATE FOR THE APRIL 2025 REPORTING PERIOD.

COUNCIL RESOLUTION – ITEM NO 10.3.1

MOVED CR LACY

SECONDED CR I MINKOM

THAT COUNCIL, BY SIMPLE MAJORITY, RECEIVES THE SHIRE'S INFRASTRUCTURE UPDATE FOR THE APRIL 2025 REPORTING PERIOD.

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

FOR: LACY, MINKOM, MINKOM, YOUNG

AGAINST: NIL

11. MINUTES TO BE RECEIVED

Nil

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

Nil

13. MOTIONS WITHOUT NOTICE WITH LEAVE OF COUNCIL

Nil

14. MATTERS BEHIND CLOSED DOOR

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

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

PROCEDURAL MOTION

MOVED CR YOUNG

SECONDED CR I MINKOM

THAT COUNCIL BY SIMPLE MAJORITY, RESOLVES TO MOVE BEHIND CLOSED DOORS AT 4:23PM 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 (4/0)

FOR: LACY, MINKOM, MINKOM, YOUNG

AGAINST: NIL

PROCEDURAL MOTION

MOVED CR YOUNG

SECONDED CR LACY

THAT COUNCIL, BY SIMPLE MAJORITY, RESOLVES TO MOVE FROM BEHIND CLOSED DOORS THE TIME BEING AT 5:01PM.

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

FOR: LACY, MINKOM, MINKOM, YOUNG

AGAINST: NIL

14.1 CONFIDENTIAL - .CC RESERVE FUNDING RESOLUTION

Report Information

Date: 17 April 2025
 Location: Cocos (Keeling) Islands
 Applicant: Shire President
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Chief Executive Officer
 Island: Shire wide
 Attachments: Confidential – Circulated under separate cover

Authority / Discretion

Definition

☐	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
☒	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>
☐	Legislative	<i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>
☐	Quasi-Judicial	<i>When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i>
☐	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

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

(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

MOVED CR LACY

SECONDED CR I MINKOM

THAT COUNCIL SUSPEND STANDING ORDERS, THE TIME BEING 4:25PM.

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

FOR: LACY, MINKOM, MINKOM, YOUNG

AGAINST: NIL

COUNCIL RESOLUTION

MOVED CR LACY

SECONDED CR I MINKOM

THAT COUNCIL RESUME STANDING ORDERS, THE TIME BEING 4:44PM.

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

FOR: LACY, MINKOM, MINKOM, YOUNG

AGAINST: NIL

COUNCIL RESOLUTION – ITEM NO 14.1

MOVED CR LACY

SECONDED CR MINKOM

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

FOR: LACY, MINKOM, MINKOM, YOUNG

AGAINST: NIL

15. MATTERS RELATING TO THE LAND TRUSTS



MATTERS RELATING TO THE LAND TRUST 1979 AND LAND TRUST 1984

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

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

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

15.1 TRUSTS ADMINISTRATION

Nil

15.2 TRUSTS LEASES

15.2.1 CONFIDENTIAL - APPLICATION FOR ASSIGNMENT OF LEASE – PART LOT 45 HOME ISLAND LIGHT INDUSTRIAL AREA WORKSHOP NO 2

Report Information

Date: 13 October 2025
 Location: Part Lot 45 Home Island, Light Industrial Area Workshop No 2
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Leasing & Policy Development Officer
 Island: Home Island
 Attachments: Confidential – Circulated under separate cover

Authority / Discretion

Definition

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☐	Legislative	<i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>
☐	Quasi-Judicial	<i>When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i>
☐	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

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(d) 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
(e) 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

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

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

OFFICER RECOMMENDATION – ITEM NO 15.2.1

AS PER THE CONFIDENTIAL ITEM.

COUNCIL RESOLUTION – ITEM NO 15.2.1

MOVED CR I MINKOM

SECONDED CR YOUNG

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

- 1. TO GRANT APPROVAL TO ASSIGN LEASE FOR PART LOT 45 HOME ISLAND LIGHT INDUSTRIAL AREA WORKSHOP 2 TO AIDIL FADULAH BALMUT, TRADING AS FIDDZ ISLAND FABRICATION, ON THE BASIS THAT THE NEW LESSEE ACCEPTS ALL TERMS AND CONDITIONS AND ANY SPECIAL CONDITIONS OF THE CURRENT LEASE, INCLUDING THE LEASE FURTHER OPTION OF THREE (3) YEARS EXPIRING ON 3 JANUARY 2028.**
- 2. TO NOTIFY THE NEW LESSEE THAT REGULAR INSPECTIONS OF THE COMMERCIAL TENANCY WILL BE UNDERTAKEN.**
- 3. THAT A ONE-OFF LEASE ASSIGNMENT PREPARATION FEE OF \$260.00 IS PAYABLE BY THE LESSEE.**
- 4. THAT THE PURPOSE OF THE LEASE IS TO OPERATE A WORKSHOP.**
- 5. TO NOTIFY THE OUTGOING LESSEE THAT ANY OUTSTANDING MONIES OWING TO THE SHIRE MUST BEPAID IN FULL.**
- 6. THAT THE SHIRE PRESIDENT AND CHIEF EXECUTIVE OFFICER TO SIGN AND AFFIX THE SHIRE OF COCOS (KEELING) ISLAND COMMON SEAL TO THE ASSIGNMENT OF LEASE DOCUMENT.**

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

FOR: LACY, MINKOM, MINKOM, YOUNG

AGAINST: NIL

15.3 TRUSTS FINANCE

Nil

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

The Manager Governance Risk and Planning, Manager Finance and Corporate Services, Coordinator Infrastructure, Community Development Coordinator and Governance Administration Officer left the meeting room at 4:47pm.

16.1 CONFIDENTIAL - CEO CONTRACT OF EMPLOYMENT

Report Information

Date: 22 April 2025
Location: Cocos (Keeling) Islands
Applicant: Chief Executive Officer
File Ref:
Disclosure of Interest:
Reporting Officer: Chief Executive Officer
Island: Shire wide
Attachments: Nil

Authority / Discretion

Definition

☐	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
☒	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>
☐	Legislative	<i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>
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(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

COUNCIL RESOLUTION

MOVED CR I MINKIM

SECONDED CR LACY

THAT COUNCIL SUSPEND STANDING ORDERS, THE TIME BEING 4:47PM.

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

FOR: LACY, MINKOM, MINKOM, YOUNG

AGAINST: NIL

COUNCIL RESOLUTION

MOVED CR I MINKOM

SECONDED CR LACY

THAT COUNCIL RESUME STANDING ORDERS, THE TIME BEING 5:01PM.

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

FOR: LACY, MINKOM, MINKOM, YOUNG

AGAINST: NIL

COUNCIL RESOLUTION – ITEM NO 16.1

MOVED CR YOUNG

SECONDED CR LACY

AS PER THE CONFIDENTIAL ITEM.

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

FOR: LACY, MINKOM, MINKOM, YOUNG

AGAINST: NIL

PRESIDING MEMBER