



CONFIRMED MINUTES

Ordinary Meeting held on 28 April 2020



SHIRE OF CHRISTMAS ISLAND MEETING MINUTES CERTIFICATION

**Minutes of the Ordinary meeting of the Shire of Christmas Island held by teleconference
at 7.00pm on Tuesday 28 April 2020**

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CONFIRMED MINUTES
**Ordinary Meeting of the Shire of Christmas Island held by teleconference at 7.00pm on
 Tuesday 28 April 2020**

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

1.1 The Shire President declared the meeting open at 7.05pm.

**2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE/
 DECLARATIONS OF FINANCIAL INTEREST**

2.1 Record of Attendance
 Shire President
 Deputy President
 Councillors

Cr Gordon **THOMSON**
 Cr Kee Heng **FOO**
 Cr Philip **WOO**
 Cr Kelvin Kok Bin **LEE**
 Cr Hafiz **MASLI**
 Cr Morgan Boon Hwa **SOH**
 Cr Farzian **ZAINAL**
 Cr Azmi **YON**
 Cr Vincent Cheng-Siew **SAW**

Chief Executive Officer
 Manager Finance and Admin
 Manager Research, Policy, Governance & Grants/Minute Taker

David **PRICE**
 So Hon **GAN**
 Chris **SU**

2.2 **Leave of Absence**

2.3 **Apologies**
 Manager Community/Recreation Services
 Manager Works, Services & Waste

Olivier **LINES**
 Graeme **HEDDITCH**

2.4 **Declarations of Financial/Impartiality/Proximity Interest**

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

24.3.20 Item	Description	Action
4.1	Bryce Clarke, glyphosate query	Letter sent to Bryce Clarke 9/4 (no response received)
4.2	Bryce Clarke, plastics burning	Letter sent to Bryce Clarke 9/4 (no response received)
4.3	Bryce Clarke, caravan park	Letter sent to Bryce Clarke 9/4 (no response received)
4.4	Cr Zainal, Lily beach watertank refill schedule	Refilled once per month
4.5	Cr Zainal, query on when public will be notified of Environmental Planning Session schedule cancellations / delays	Social Distancing in the State of Emergency has effectively cancelled the activities in the Enviro Plan 2020 until further notice. Announcements on their reschedule will be made post-COVID.
7.2.1	Cr Zainal, progress on speed hump installation at Jalan Pantai	Completed by Works and Services

4 PUBLIC QUESTION TIME

4.1 **Jahna LUKE of 28 Seaview Drive, Christmas Island 6798 wrote to the CEO her question as advised by the public notice 15/20 of 24 April 2020.**

"Are there any plans for a footpath from Settlement/Flying Fish Cove Silver City and beyond to enable Christmas Island's youth to travel home legally after the hours of darkness?"

Our son was recently given a warning from the Christmas Island Police for riding his bike between the round-about and George Fam Centre after dark. There is currently no legal way for our kids to travel home from the Cove after dark.

Answer

There are no current plans in place for a footpath between Flying Fish Cove and Silver City because to date, despite efforts to do so, we have been unable to create a safe pathway on public land.

The Shire is currently looking at the footpaths from Drumsite to Poon Saan and also from Phosphate Hill Road to the Recreation Centre.

The Shire has applied for grants to bring these works forward and is waiting for a response to our application.

4.2 **David WATCHORN of 2/111 Gaze Road, Christmas Island wrote to the CEO his questions as advised by the public notice 15/20 of 24 April 2020.**

4.2.1 **Question 1a:**

What is the Shire doing to assist tourist businesses at this time?

Many accommodation providers who provide tourist accommodation now effectively have no income. Rates are one of the expenses of these accommodation providers and businesses.

Question 1b:

Please can you inform the rate payers of the Shire's position on assisting them during this time.

Question 1c:

I am aware of federal government positions, but what is the local Shire doing to assist all business at this time?

Question 1d:

Will the rates be increasing, decreasing or put on hold?

Question 1e:

Will every endeavour be made to reduce costs to these businesses and rate payers?

Answers to Questions 1a-1e

The Shire is a Local Government and not a State Government and accordingly has only municipal level resources and funds. The Shire within its capacity supports all industries on Christmas Island through the delivery of municipal services.

At a budget development meeting of Council on April 17th it was proposed that rates for these municipal services be frozen for 2020/2021 alongside all other fees and charges to the 19/20 level.

In addition, it was proposed that a 2.5% discount on rates be applied on early payment of rates. The Shire is not pursuing legal action on current outstanding rates and is negotiating with individuals on their outstanding rates.

The Shire has also waived tip entry costs to the public, and will be looking at the possible waiving of Development and Building Fees together with a fast tracking process for such applications.

The Shire of Christmas Island is proposing a COVID19 Stimulus Package in the 2020/2021 budget of some \$700,000. This was proposed to Council at the 17th April budget development meeting for their consideration. Details of this can only be made available after adoption of the budget.

The application of these initiatives are within the Shire's capacity and will offer businesses relief in these difficult times.

4.2.2 Question 2:

During the Covid-19 pandemic, what is the Shire doing or planning to do to support or improve business services in particular, tourism services on the island for when the island reopens to non-residents in the future?

Answer

The Shire provides services across parks, gardens, waste and roads primarily. These are being maintained throughout the COVID-19 pandemic as per normal.

The final stage of the Our Streets Are Our Museums public art program is yet to be completed, with further artwork to come. This had been planned for after the 2020 wet season; border controls have now put it on hold for the time being.

The Shire is maintaining commitments to the CI Marathon and Territory Week as two activities that attract offshore participation regularly. We note that year on year the visitor numbers for both events have been increasing since 2017. These two activities may proceed this year if COVID-19 travel, social gathering and sporting restrictions are lifted.

4.2.3 Question 3:

**When is the Smith point trail going to be reopened?
It has been out of action for many months now.**

Answer

As the Smith Point Walk Trail is not a Shire Asset and lies completely within Commonwealth land; the Shire has approached the Commonwealth on numerous occasions regarding repairs to the Smith Point Walk Trail with no success.

To remove trees and replace the damaged structures of the walk trail will take approximately two to three months to complete.

The Shire will commence works on the re-establishment of the Smith Point Trail utilising recycled plastic planks to be produced by Eco Crab which is now located at the Shire's old works depot in the Roundabout precinct.

4.2.4 Question 4:

During the Covid-19 pandemic, there have been a number of closures, (library, playgrounds) or adjustment of hours (Tip)

How can the rate payers be sure that the staff in these roles have been suitably redeployed or stood down for a period if necessary?

Question 5a:

Can the Shire inform the community of the number of workers that have been stood down or been given extra benefits during this time, or duties changed/reallocated?

I am not asking for personal details, however, should a group of employees, be stood down, or received extra benefits, the Shire should be transparent on what has been negotiated during this time.

Question 5b:

If employees have been stood down, or unable to work, are they receiving full benefits?

Question 5c:

How long will this be the case for?

Answer to Questions 4-5c

No Shire workers have been stood down as a result of the COVID-19 response. A number of employees over 70 years of age in accordance with the Prime Minister's recommendation have been encouraged to remain at home. A number in their late 60s who have identified themselves as having risk factors are also staying at home based on the Prime Minister's recommendation. The Shire has, in accordance with the shutdown directives, closed its Library, the Community Hall and introduced social distancing into its office operations. There have been some organizational changes with employees rostering in and out of the George Fam Centre during the day. No employee has had their income reduced as a result of these changes or received extra benefits.

The duration of these changes will remain in place until the current restrictions are lifted.

4.2.5 Question 6:

There is a perceived conflict of interest in the Shire, amongst the community, when it comes to some of its members being part of the Christmas Island Workers Union and negotiations with the Shire with regard to employment.

Can the shire confirm and advise to ratepayers how and what procedures are involved to ensure that there is no conflict of interest when it comes to enterprise agreements, remuneration, numbers of workers or capacity of workers roles?

Answer

There is no conflict of interest in employees being members of a Union and negotiating with their employer as a bargaining unit under the provisions of the Fair Work Act 2009. All of the Shire's Enterprise Agreements have been made and implemented in accordance with the provisions of the Fair Work Act 2009.

4.2.6 Question 7a:

The CCC committee last month began posting on social media, for the first time, under a Shire's full time staff members name. Many members of the community questioned the memberships of the committee.

Can the Shire please tell the community who is actually on this committee?

Question 7b:

How is this committee represented by members of the community working in tourism or accommodation providers, restaurants and small business?

Question 7c:

How is this committee recruited and reviewed? And how often?

Question 7d:

Can the Shire also explain how conflict of interest is dealt with within this committee, should members of this committee be “wearing two hats”?

Answer to Questions 7a-7d

The names of persons and the organisations they represent on the CCC are provided in the Minutes of the March 2020 Council Ordinary meeting.

The charter of the CCC provides for membership of island social, cultural, business and union organisations. Every two years a local council election is held in accordance with the Local Government Act (WA) (C I). At each election appointments of members of all council committees, including the CCC, end. The newly elected Council decides which committees are to be reconstituted and the appointment of members of the committees at an Ordinary Council meeting following the election. The Local Government (Rules of Conduct) Regulations 2007 set out uniform rules to guide the behaviour of persons on councils and committees of council. Regulation 11 prescribes how and when disclosure of an interest, including an impartiality interest, must be made.

A standing item in the agenda of all council and committee meetings is: declaration of interest of members. A member, who has a conflict or impartiality interest in a matter on the agenda of a meeting must declare an interest.

4.2.7 Question 8a:

As many economists are predicting a downturn in the Australian economy, Christmas Island’s economy is also in doubt, with lower tourism numbers, no visitors, mine shutdown for 3 months of the year already. Many residents have been required to reduce their working hours, salaries, take jobkeepers or jobseekers payments.

Can the Shire explain how it is being prudent with expenses currently to ensure that any costs to ratepayers and business are passes on?

Answer to Question 8a

The Shire constantly maintains vigilance around spending and rate payers would be pleased to know it passes the annual audit with the Office of the Auditor General WA with consistency and to a high degree.

Examples of where Council has been vigilant around spending includes coming in under budget by \$100k on recent replacement of plant and equipment through judicious research and tender processes to ensure best market price is discovered. The Shire has zero debt, owing no bank or other institution monies. The Shire requires no borrowing into the foreseeable future given the prudent financial discipline of the current and previous budgets.

4.2.8 Question 8b:

While there may have been a budget approved last year, how is this being adjusted with the current changing events?

Answer to Question 8b

A proposed working budget was presented to Council April 17th. Further drafting will be made taking into account the Council’s input for a final budget to be submitted for adoption for the new financial year at a future Ordinary Meeting of Council.

Question 8c:

If it is not being adjusted, why not, and who decides this is the policy

Question 8d:

Is it going to be reviewed imminently?

Answer to 8c – 8d

Refer to the pervious answer 8b

4.2.9 Question 9:

When will the review of the Town planning scheme2 take place in 2020?

Answer

It will take place in the new financial year, 2020/2021, with a view to adopt within the financial year

4.3 Azmi YON acknowledged the work that the Shire was doing in the COVID pandemic.

4.4 Cr FOO Kee Heng has fielded queries from the public regarding the WA change in policy in having up to 10 person gatherings in WA and wanted to know when this was going to be lifted on Christmas Island?

Cr THOMSON advised that the Administrator has asked that the Shire provides advice on which restrictions may be lifted. This matter will be addressed in Item 12, New Business of an Urgent Nature Introduced by Decision of the Meeting.

Cr Kelvin LEE raised that he also fielded queries from constituents around the COVID restrictions and when these may be lifted?

Cr THOMSON advised that questions on this topic will be addressed in Item 12.

Cr ZAINAL Would Council give consideration to a kerb side pick-up waste tip run in the near future in the recognition that residents are using the pandemic period to clean their residences? The CEO will consult with Works Manager Graeme HEDDITCH on this suggestion.

5 APPLICATIONS FOR LEAVE OF ABSENCE

6 PETITIONS/DEPUTATIONS/PRESENTATIONS

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS/BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETINGS

7.1 MINUTES OF ORDINARY COUNCIL MEETING HELD ON 24 MARCH 2020

Members considered the unconfirmed minutes.

Council Resolution

Moved: Cr LEE

Seconded: Cr WOO

Res. No: 32/20

That Council adopt the unconfirmed minutes of the 24 March 2020 Council Meeting.

Carried: 9/0

7.2 Business Arising from the Minutes of Previous Meetings

7.2.1 Cr THOMSON advised the Council that the CEO has made a request to vary the agreed contract renewal that Council passed as item 13.1 in the March Ordinary Meeting. The CEO has requested that in light of the COVID pandemic the salary increment he is due under the agreed contract renewal be postponed until 1 July 2021.

The contract states that the salary increment starts from the commencement of the contract term 12 January 2021. Deferring the payment of the salary increase until 1 July 2021 will mean that there will not be an increase in the CEO's salary from 12 January 2021. The CEO and the President have signed a contract variation in accordance with the CEO's request. That variation document will be attached to the CEO's contract file.

Cr THOMSON thanked the CEO for surrendering the pay increment in this manner at this time.

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 8.1 Cr THOMSON stated that under the Community Assistance Grant (CAG) policy, Islanders and island organisations can request assistance during the year. For sums of up to \$1000 the President may approve requests for assistance. Each such approval by the President must be reported to the next Ordinary Meeting of Council.

Cr THOMSON advised that the Christmas Island Women's Association (CIWA) has requested \$665 to purchase a lawnmower for the Women's Refuge Centre in accordance with the CAG policy. Cr THOMSON advised he has approved the payment requested by the CIWA for the purchase of a lawnmower for the Women's Refuge Centre.

9 REPORTS OF COMMITTEES

- 9.1 Minutes of Community Consultative Committee Meetings

Council Resolution

Moved: Cr WOO

Seconded: Cr MASLI

Res. No: 33/20

That the unconfirmed Minutes of the Community Consultative Committee meetings of March 23rd, April 1st, and April 2nd be received.

Carried: 9/0

10 REPORTS OF OFFICERS

10.1 Chief Executive Officer

- 10.1.1 SOCI – COVID-19 Response

Council Resolution

Moved: Cr YON

Seconded: Cr LEE

Res. No: 34/20

Council notes the actions as reported by the CEO on the SOCI COVID-19 Response.

Carried: 9/0

- 10.1.2 Proposed Retrospective Grouped Dwelling Addition (deck)

Council Resolution

Moved: Cr LEE

Seconded: Cr ZAINAL

Res. No: 35/20

That Council grants approval for the development and use of the site to accommodate retrospective building additions – (deck) subject to the following conditions:

1. All development shall be in accordance with the approved development plans (attached) that form part of this development approval.
2. This development approval will expire if the approved development is not substantially commenced within two (2) years of the date of issue of this approval, or, within any extended period of time for which the Shire of Christmas Island has granted prior written consent.

Carried: 9/0

10.1.3 Settlement Foreshore Recreation Reserve Management Order

Council Resolution

Moved: Cr YON

Seconded: Cr SAW

Res. No: 36/20

Council determines as follows:

- a) Having given consideration to the Settlement Cinema Masterplan – Land Tenure (management Order) Options April 2020 proposal Council agrees to adoption of Option 2 and to proceed to formal advertisement of Option 2 for public comment for the period of 24 days;
- b) To acknowledge a request from Calmy Planning & Design, on behalf of the Shire (ref. Attachment B), to obtain from the Commonwealth the Management Order for the foreshore Reserve commensurate to the land area required to implement Option 2 and the response from the Director IOT Administration (ref. Attachment C);
- c) To commit to the management and necessary funds to the implementation and on-going maintenance of the area required to implement Option 2;
- d) To obtain written support for Option 2 from the Chinese Literary Association;
- e) Prepare a self-assessment under the Environmental Protection & Biodiversity Act 1999 (Cth) encompassing the land required to implement Option 2.

Carried: 9/0

10.2 Manager Finance & Administration

10.2.1 Schedule of Accounts - March 2020

Council Resolution

Moved: Cr LEE

Seconded: Cr FOO

Res. No: 37/20

That Council approves the expenditure as presented in March 2020 Schedule of Accounts

Carried: 9/0

10.2.2 Financial Statements - March 2020

Council Resolution

Moved: Cr MASLI

Seconded: Cr FOO

Res. No: 38/20

That Council receives the Financial Statements of March 2020 for the Municipal Fund.

Carried: 9/0

10.2.3 Outstanding Rates/Debtors Report 31 March 2020

Council Resolution

Moved: Cr LEE

Seconded: Cr YON

Res. No: 39/20

The report is noted.

Carried: 9/0

10.3 Manager Community/Recreation Services & Training

10.4 Manager Works, Services & Waste

10.5 Manager Governance, Research, Policy & Grants

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Council Resolution**Moved: Cr YON****Seconded: Cr LEE****Res. No: 40/20**

That the Council receive new business regarding the Administrator's request for Council's advice on relaxation of COVID19 restrictions applied on Christmas Island.

Carried: 9/0

12.1 Administrator's Request Council's Advice on easing COVID-19 restrictions

CEO David PRICE was contacted earlier in the day by the Administrator after the Emergency Management Meeting Committee meeting they both participated in. The Administrator requested that Council consider what COVID19 restrictions may be considered by the EMC as a first stage in the relaxing of current restrictions. The CEO noted the Administrator's request and undertook to obtain Council's advice at the Ordinary Meeting at 7pm 28th April 2020.

The first was that the public library was proposed to be opened to the public, with a limit of two library goers at a time.

The second proposal was to open the parks and playgrounds on island. The reasoning for this was that the children are already at school utilising the school playgrounds and interacting with each other.

The third proposal was for social gathering sizes to be raised from two. Social gatherings indoors are to still follow social distancing measures at 4 sqm per person.

The fourth proposal was to open CKI – CI flights without quarantine being imposed.

No proposals were put to CEO regarding lifting of restrictions on religious gatherings or the restrictions that apply to eateries and pubs. CEO informed the meeting that raising of restrictions will be tiered by authorities as time went on.

Council discussed all proposals.

Consensus of support found for first three proposals; noting that Hari Raya will present an indoors social distancing challenge for households that residents would have to manage.

On CKI-CI inter-island travel all Councillors agreed that each island should be kept separate and continue the policy of self-isolation. Council reasoned that we would present a vector of weakness to Cocos (Keeling) Islands and that they would present the same to Christmas; it was more prudent to maintain the current separation regime.

Cr THOMSON raised an additional proposal; that testing of the population be pursued assertively with a wide ranging testing regime including asymptomatic people. Cr THOMSON advised that the World Health Organisation is learning new behaviour of the virus in regards to second wave infections, immunities and so forth on a daily basis. The WHO has been consistent in recent messaging in regards to encouraging as wide a testing regime a government could logistically do in their respective nations as possible.

Cr THOMSON put forward that testing was an important component in managing the spread of COVID19 at this stage. Noted that the Victorian Government is significantly extending testing in the community; and the Chief Medical Officer was advising that national testing would extend to anyone with cold symptoms, as opposed to symptoms plus history of travel or exposure to a known COVID carrier at the beginning of the crisis.

CEO Price put forward lifting of restrictions should go hand in hand with tracing / tracking programs, the establishment of a suitable testing regime on island and planning for an outbreak on the island a la the north west of Tasmania outbreak.

Councillors had no objections against testing and agreed to this as a proposal.

Council Resolution

Moved: Cr YON

Seconded: Cr LEE

Res. No: 41/20

1. Council resolves to inform the Administrator that Council agrees to:
 - a) open the public library to two users at a time;
 - b) open the playground and parks to the public;
 - c) increase social gathering sizes to a maximum of 15, noting that indoor social gatherings still have to adhere to social distancing requirements
2. Council does not agree to removing the 14 day self-isolation quarantine requirements for people travelling between Cocos (Keeling) Islands and Christmas Island.

Carried: 9/0

13 BEHIND CLOSED DOORS

14 CLOSURE OF MEETING

The Shire President closed the meeting at 8.55pm

15 DATE OF NEXT MEETING: 26 MAY 2020