



CONFIRMED MINUTES

Ordinary Meeting held on 21 November 2023



**SHIRE OF CHRISTMAS ISLAND
MEETING MINUTES CERTIFICATION**

Minutes of the Ordinary meeting of the Shire of Christmas Island Council held at the George Fam Chambers at 7.00pm on Tuesday 21 November 2023

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CONFIRMED MINUTES

Ordinary Meeting of the Shire of Christmas Island held at the George Fam Chambers at 7.00pm on Tuesday 21 November 2023

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

- 1.1 The Shire President declared the meeting open at 7.00pm.

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

- 1.2 Record of Attendance

Shire President

Deputy President

Councillors

Cr Gordon **THOMSON**

Cr Azmi **YON**

Cr Philip **WOO**

Cr Swee **TUNG**

Cr Hafiz **MASLI**

Cr Steve **PEREIRA**

Cr Kee Heng **FOO**

Chief Executive Officer

Director Planning, Governance & Policy/Minute Taker

Director Community/Recreation Services

Director Works, Services & Waste

David **PRICE**

Chris **SU**

Olivier **LINES**

Troy **DAVIS**

Visitor

Consultant Town Planner

Herve **CALMY**

- 2.2 **Leave of Absence**

Councillor

Councillor

Cr Vincent Cheng-Siew **SAW**

Cr Kok Bin Kelvin **LEE**

- 2.3 **Apologies**

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

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

- 3.1 Regarding item 4.2 from the October 24 Ordinary Council Meeting, CEO David PRICE advised the Council that the Lily Beach precinct signage will be finalised with IOTA the day after Council Meeting with a view to be installed as soon as practicable afterwards.

4 PUBLIC QUESTION TIME

Shire President Gordon THOMSON summarised the public question time element of a Council Meeting and stated that the public had a set fifteen minutes to ask questions to Council on municipal matters.

- 4.1 Peter GRIGGS, residing at 10/17 Jalan Pantai, proposed that the Council consider a motion.

Shire President Gordon THOMSON requested that Peter GRIGGS ask a question to the Council as per the requirements of the public question time in a council meeting or cease his presentation and return to his seat. Peter GRIGGS continued to make a statement and after continuous requests from the Shire President Gordon THOMSON he eventually returned to his seat at 7.05pm

4.2 Mark STEIN of 6A 2 Tong Yang Loh congratulated the election of the new Councillors.

Shire President Gordon THOMSON requested that Mark STEIN ask a question to Council; summarised the nature of public question time again.

Mark STEIN asserted that during his time on the island, individuals have been unable to write letters to the editor of the Islander that were critical of the Shire and see them published. He sought an explanation for this situation.

Cr Hafiz MASLI entered 7.06pm

Shire President Gordon THOMSON requested Mark STEIN to return to his seat after asking the question.

Shire President Gordon THOMSON stated that every time the Islander is published there is a notice inside inviting the public to write to the Editor. He stated that he couldn't recall the Islander having received a letter to the editor for years. Requested clarification from Mark STEIN if he had written a letter to the editor? He restated that the Islander invites letters to the editor every issue should he want to.

Mark STEIN said that he knows of people who have written a letter to the editor and asked if Council would accept criticisms of the Shire in a letter to the editor?

Shire President Gordon THOMSON stated that the Islander has not received a letter in some time but that when received, they are published as received or will not be published at all. Letters to the editor are not to be edited by Council.

CEO David PRICE stated that inflammatory and defamatory letters will not be published.

Mark STEIN asked if he was permitted to have a second question.

Shire President Gordon THOMSON restated that public question time was set for fifteen minutes as required and invited him to continue with additional questions.

Mark STEIN asked as a ratepayer, why was Council putting up 'No' signs during the lead up to the referendum. Where were the 'Yes' signs for balance?

Shire President Gordon THOMSON advised that he had put up 'Yes' signs exclusively during the referendum campaign. Mark STEIN corrected himself and asked why the Council put up 'Yes' signs during the campaign period and no 'No' signs.

Shire President Gordon THOMSON advised that Council had made a resolution to support the 'Yes' campaign during the referendum. Mark STEIN stated that he felt this was wrong; Shire President Gordon THOMSON requested Mark STEIN to sit down at the end of his question and to not attempt to engage in debate. Mark STEIN asked why couldn't he debate and the Shire President responded that that was not the nature of public question time.

Shire President Gordon THOMSON continued his explanation that council resources were used to put up 'Yes' campaign signs and writing notices on the roundabout blackboard. Stated that the 'Yes' campaign signs were taken down every evening and roundabout blackboard notices were also erased daily.

Mark STEIN advised that he had taken down 'Yes' signs during the campaign in the lead up to referendum day.

Shire President Gordon THOMSON advised that this was unlawful.

Mark STEIN thanked the council for their time.

- 4.3 Cr FOO Kee Heng requested a minute's silence to recognise the passing of long-time island resident Mr ANG Mui Chye who passed away in Penang, Malaysia in the last week from COVID-19. His funeral would be the day following council meeting.

Council agreed to a minute's silence at the end of the public question time period and that in local custom when marking the passing of an elder, the flags would be at half-mast the following work day.

- 4.4 Cr Swee TUNG asked what was the traffic management plan in place at the guard rails along Golf Course Road?

Director for Works, Services and Waste Troy DAVIS advised that Shire had liaised with Water Corp earlier that day on traffic management plan for the site and appropriate signage is on the site.

Cr Swee TUNG asked if the Shire had any temporary physical barriers?

Cr Swee TUNG asked if flashing lights could be installed in the traffic management area?

Director Troy DAVIS advised he would take that question on notice.

Director Troy DAVIS advised that the traffic management plan features appropriate signage and deployment of traffic cones but does not have the use of physical barriers. Director Troy DAVIS advised that council does not have access to water filled barriers.

Shire President Gordon THOMSON asked if there were any more questions from the gallery or from Councillors? No additional questions from the Councillors or from members of the gallery were received.

Shire President Gordon THOMSON declared public question time closed at 7.14 pm and informed the visitors they were welcome to remain for the rest of the meeting if they wished to do so.

Peter GRIGGS commenced to leave the meeting while attempting to disrupt the meeting by continually making statements.

Shire President Gordon THOMSON requested Peter GRIGGS to desist from making comments and to leave the council meeting at 7.15pm. Peter GRIGGS ignored the President's requests to desist making comments and leave and continued to behave in a disruptive manner.

Shire President Gordon THOMSON requested that Peter GRIGGS withdraw the statements he was making; Peter GRIGGS refused to do so and continued to make statements.

Upon further continuous requests to leave the meeting by the Shire President Gordon THOMSON Peter GRIGGS finally left the meeting at 7.17pm.

- 4.5 Shire President Gordon THOMSON invited the room to stand for a minute silence to mark the passing of Mr ANG Mui Chye at 7.17pm

5 APPLICATIONS FOR LEAVE OF ABSENCE

- 5.1 Cr LEE- Leave of Absence

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|---------------------------|
| Council Resolution |
| Moved: Cr Yon |
| Seconded: Cr Woo |
| Res. No: 106/23 |

That the leave of absence application submitted by Cr Kelvin LEE (21/11/2023 to 28/11/2023) be approved.

Carried: 7/0

| | | | |
|-------------|-------------------|---------------|-------------------|
| For: | Cr THOMSON | Cr YON | Cr FOO |
| | Cr MASLI | Cr WOO | Cr PEREIRA |
| | Cr TUNG | | |

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 October 2023

Members considered the unconfirmed minutes.

Council Resolution

Moved: Cr FOO

Seconded: Cr YON

Res. No: 107/23

That Council adopt the unconfirmed minutes of the 24 October 2023 Council Meeting.

Carried: 7/0

| | | | |
|-------------|-------------------|---------------|-------------------|
| For: | Cr THOMSON | Cr YON | Cr FOO |
| | Cr MASLI | Cr WOO | Cr PEREIRA |
| | Cr TUNG | | |

7.2 Business Arising from the Minutes of Previous Meetings

- 7.3 Cr PEREIRA raised his concern about the Palestinian flag located at the railings adjacent to the George Fam flagpoles. He stated that it was the agreement of Council at the last council meeting to fly the Christmas Island flag at half-mast for seven days in relation to the events in Gaza. He noted that a Palestinian flag was tied to the railings adjacent to the flagpoles in this period, and that they remained there to the present.

Cr PEREIRA states that there was never an agreement to have the Palestinian flag at that location and requests that the Palestinian flag be removed.

Shire President THOMSON summarised that in response to the Youth Advisory Council's presentation at the October council meeting that included a request to fly the Palestinian flag at the George Fam flagpoles in sympathy with Palestine, Council passed a motion for the Christmas Island flag to fly at half-mast for a week instead.

Shire President THOMSON stated that he relayed this decision to the Youth Advisory Council and invited them to instead tie the Palestinian flag to the Shire fence adjacent to the flag pole.

Cr PEREIRA stated that he was not in agreement that the Palestinian flag should be on council property. Cr PEREIRA put forward that the Shire was a government body and that he was not comfortable with the flag being on Council premises.

Shire President put that we have both expressed an opinion, and in the event of a disagreement, there can be a vote on the matter. Shire President THOMSON invited Cr

PERERIRA to put a motion to the meeting to give effect to his wishes and also explained the standing orders on debate of a motion to the meeting.

Cr PEREIRA moved the motion *'that the Council have the Palestinian flag removed from the premises.* Cr TUNG seconded the motion. Cr THOMSON invited Cr PEREIRA to speak to the motion as the mover.

Cr PEREIRA stated that he has sympathy with the Palestinians but does not believe that the Shire of Christmas Island should have *'demonstratable items on the premises.'* Cr PEREIRA put forward that if people want to put up *'demonstratable items on their own land or other places'* that would be more appropriate than council property.

Cr Swee TUNG put forward that as a local government, it should not have a view on politics. Cr Swee TUNG put that *having a flag out there doesn't affect anything.*

Cr THOMSON invited speakers against the motion to speak.

Cr Azmi YON put forward that it was a show of unity with people in Palestine, and that he was comfortable with the flag on the premises. Cr Azmi YON noted flags flying through out Flying Fish Cove indicating strong community sentiment in support of them.

Shire President Gordon THOMSON reaffirmed the standing orders on debating.

Cr Swee TUNG put that it looks like our local council is supportive of Palestine.

Cr Azmi YON exited the meeting at 7.25pm

Shire President Gordon THOMSON asked if anyone else wished to speak against the motion?

No other councillors wished to speak; Shire President Gordon THOMSON took the opportunity to speak against the motion.

Shire President Gordon THOMSON summarised that Council fielded a request to fly the Palestinian flag on the George Fam flagpoles; put that Council had to refuse this request. As Cr TUNG and Cr PEREIRA had put forward, the flagpoles are the official places for the Australian, Christmas Island and Aboriginal flags and that it would not have been appropriate to put the Palestinian flag up.

Cr Azmi YON returned to the meeting at 7.26pm

Shire President Gordon THOMSON stated that Council dealt with the formality in regards to flag pole usage, but still had to take into account community feeling and sentiment. Shire President Gordon THOMSON informed the Youth Advisory Council following the October 24 ordinary council meeting that Shire could not consider a motion to fly Palestinian flag at the George Fam flagpoles, putting to Youth Advisory Council that Council has the responsibility to use them for the three official flags. He informed the Youth Advisory Council that if they wished to put the Palestinian flag at the railings adjacent, that they were free to do so.

Shire President Gordon THOMSON put forward to the meeting that *'our collective humanity is weakened if we ask the young people to remove that flag; it is an expression of solidarity. We can't do anything practical, but we can let it be known that we are watching, that we are concerned and that we express our support.*

Shire President Gordon THOMSON asked if there were any more speakers for the motion?

No councillors responded; Shire President Gordon THOMSON invited Cr PEREIRA as the mover the final right of reply as per the standing orders for debate.

Cr PEREIRA stated that he has no additional points and repeated that as much as he is sympathetic, he maintains the request that it is taken off Shire premises.

The motion was voted on, and lost 2 for, 5 against.

Council Resolution

Moved: Cr PERIRA

Seconded: Cr TUNG

Res. No: 108/23

That the Council have the Palestinian flag removed from the premises.

Not Carried: 2/5

For:

Cr PEREIRA

Cr TUNG

Against:

Cr THOMSON

Cr YON

Cr FOO

Cr MASLI

Cr WOO

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

9 REPORTS OF COMMITTEES

10 REPORTS OF OFFICERS

10.1 Chief Executive Officer

10.1.1 Dates of Ordinary Council Meetings 2024

Council Resolution

Moved: Cr YON

Seconded: Cr MASLI

Res. No: 109/23

That Council adopts the following schedule of Ordinary Meetings for 2023 in accordance with section 5.25 (1) (g) of the Local Government Act (CI) 1995 and the Local Government Administration Regulations 1996 commencing at 7.00pm at the George Fam Centre Council Chambers on the fourth Tuesday of each month with the exceptions of:

- 6 February 2024 Ordinary Meeting due to the long period of no meetings between 12 December 2023 and 6 February 2024.
- The June 2024 Ordinary Meeting is the 3rd Tuesday. As the 2024 ALGA National Assembly is likely to be schedules the week beginning Monday 24th June holding the June Ordinary Meeting on the 18th June will enable those Councillors attending the 2024 ALGA National Assembly to also attend the June Ordinary Meeting.
- The December 2024 Ordinary Meeting is scheduled for the 10th December 2024 being the 2nd Tuesday due to the Christmas close down period in December 2024.

6 February 2024

19 March 2024

23 April 2024

28 May 2024

18 June 2024

23 July 2024

27 August 2024

24 September 2024

22 October 2024

19 November 2024

10 December 2024

Carried: 7/0

| | | | |
|-------------|-------------------|---------------|-------------------|
| For: | Cr THOMSON | Cr YON | Cr FOO |
| | Cr MASLI | Cr WOO | Cr PEREIRA |
| | Cr TUNG | | |

10.1.2 Date change for the 2023 December Ordinary Meeting of Council

Council Resolution

Moved: Cr YON

Seconded: Cr FOO

Res. No: 110/23

The Ordinary Meeting date of Council for December 2023 be changed from 12th December to 19th December 2023, and the reschedule 2023 December Ordinary Council meeting date be advertised through a Public Notice.

Carried: 7/0

| | | | |
|-------------|-------------------|---------------|-------------------|
| For: | Cr THOMSON | Cr YON | Cr FOO |
| | Cr MASLI | Cr WOO | Cr PEREIRA |
| | Cr TUNG | | |

10.1.3 Draft Local Planning Strategy- Part 2

Shire President Gordon THOMSON invited consultant Town Planner Herve CALMY to speak to the report. Herve CALMY presented some technical aspects of the report.

Cr Swee TUNG asked for clarification what funding was available to activate construction of the identified yields in the newly identified residential areas in the strategy.

Town Planner Herve CALMY explained that the planning instruments that local governments keep regulate the construction of residential, commercial and other buildings in the local government area and were not tied to any funding to see construction thereof. The local government itself was typically not the builder of new buildings. Herve CALMY stated that however in some cases in WA the local government had undertaken the building of social infrastructure such as aged care residences with assistance from other levels of government.

Council Resolution

Moved: Cr YON

Seconded: Cr WOO

Res. No: 111/23

Council resolves to submit to the Western Australian Planning Commission the October 2023 Draft Local Planning Strategy - Part 1 Strategy and the November 2023 Draft Local Planning Strategy Part 2 Background Information and Analysis for compliance and certification.

Carried: 7/0

| | | | |
|-------------|-------------------|---------------|-------------------|
| For: | Cr THOMSON | Cr YON | Cr FOO |
| | Cr MASLI | Cr WOO | Cr PEREIRA |
| | Cr TUNG | | |

10.2 Director Finance & Administration

10.2.1 Schedule of Accounts – October 2023

Council Resolution

| | | |
|---|-------------------------|------------------------|
| Moved: Cr FOO | Seconded: Cr YON | Res. No: 112/23 |
| That Council approves the expenditure as presented in October 2023 Schedule of Accounts | | |
| Carried: 7/0 | | |
| For: | Cr THOMSON | Cr YON |
| | Cr MASLI | Cr FOO |
| | Cr TUNG | Cr PEREIRA |

10.2.2 Financial Statements – October 2023

| | | |
|--|-------------------------|------------------------|
| Council Resolution | | |
| Moved: Cr MASLI | Seconded: Cr YON | Res. No: 113/23 |
| That Council receives the Financial Statements of October 2023 for the Municipal Fund. | | |
| Carried: 7/0 | | |
| For: | Cr THOMSON | Cr YON |
| | Cr MASLI | Cr FOO |
| | Cr TUNG | Cr PEREIRA |

10.2.3 Assets Write Off October 2023

| | | |
|--|---------------------------|------------------------|
| Council Resolution | | |
| Moved: Cr YON | Seconded: Cr MASLI | Res. No: 114/23 |
| Council approves to write off the assets for October 2023 as set out in the attachment to this report. | | |
| Carried: Absolute Majority 7/0 | | |
| For: | Cr THOMSON | Cr YON |
| | Cr MASLI | Cr FOO |
| | Cr TUNG | Cr PEREIRA |

10.3 Director Community/Recreation Services & Training

10.3.1 Budget Amendment- Australia Day Community Services

| | | |
|---|-------------------------|------------------------|
| Council Resolution | | |
| Moved: Cr YON | Seconded: Cr WOO | Res. No: 115/23 |
| That Council approves the budget amendment of \$10,000.00 to the current Australia Day Budget | | |
| Carried: Absolute Majority 7/0 | | |
| For: | Cr THOMSON | Cr YON |
| | Cr MASLI | Cr WOO |
| | Cr TUNG | Cr FOO |
| | | Cr PEREIRA |

10.4 Director Works, Services & Waste

10.5 Director Planning, Governance & Policy

10.5.1 Fisheries Management Committee Applications

| | | |
|---------------------------|-------------------------|------------------------|
| Council Resolution | | |
| Moved: Cr YON | Seconded: Cr FOO | Res. No: 116/23 |

That Council receive the list of applicants for the Fisheries Management Committee and;
Select the community representatives for the Fisheries Management Committee from that list.

Carried: 7/0

| | | | |
|-------------|-------------------|---------------|-------------------|
| For: | Cr THOMSON | Cr YON | Cr FOO |
| | Cr MASLI | Cr WOO | Cr PEREIRA |
| | Cr TUNG | | |

10.5.2 Sharin Jamil application to the Fisheries Management Committee

Council Resolution

Moved: Cr YON **Seconded: Cr FOO** **Res. No: 117/23**

That Council accept Shahrin JAMIL as a member of the Fisheries Management Committee for 2023-2025.

Carried: Absolute Majority 7/0

| | | | |
|-------------|-------------------|---------------|-------------------|
| For: | Cr THOMSON | Cr YON | Cr FOO |
| | Cr MASLI | Cr WOO | Cr PEREIRA |
| | Cr TUNG | | |

10.5.3 Mark Rochfort application to the Fisheries Management Committee

Council Resolution

Moved: Cr PEREIRA **Seconded: Cr FOO** **Res. No: 118/23**

That Council accept Mark ROCHFORD as a member of the Fisheries Management Committee for 2023-2025.

Carried: Absolute Majority 7/0

| | | | |
|-------------|-------------------|---------------|-------------------|
| For: | Cr THOMSON | Cr YON | Cr FOO |
| | Cr MASLI | Cr WOO | Cr PEREIRA |
| | Cr TUNG | | |

10.5.4 Brady Collett application to the Fisheries Management Committee

Council Resolution

Moved: Cr YON **Seconded: Cr MASLI** **Res. No: 119/23**

That Council accept Brady COLLETT as a member of the Fisheries Management Committee for 2023-2025.

Carried: Absolute Majority 7/0

| | | | |
|-------------|-------------------|---------------|-------------------|
| For: | Cr THOMSON | Cr YON | Cr FOO |
| | Cr MASLI | Cr WOO | Cr PEREIRA |
| | Cr TUNG | | |

10.5.5 Ash Davidson application to the Fisheries Management Committee

No mover to the application from Ash DAVIDSON to be accepted as a member of the Fisheries Management Committee.

10.5.6 David Watchorn application to the Fisheries Management Committee

Council Resolution

Moved: Cr PEREIRA **Seconded: Cr TUNG** **Res. No: 120/23**

That Council accept David WATCHORN as a member of the Fisheries Management Committee for 2023-2025.

Not Carried 3/4

For:

**Cr MASLI
Cr PEREIRA**

Cr TUNG

Against:

**Cr THOMSON
Cr WOO**

Cr YON

Cr FOO

10.5.7 Jason Turl application to the Fisheries Management Committee

No mover to the application from Jason TURL to be accepted as a member of the Fisheries Management Committee.

10.5.8 Kristen Schubert application to the Fisheries Management Committee

Council Resolution

Moved: Cr PEREIRA

Seconded: Cr YON

Res. No: 121/23

That Council accept Kristen SCHUBERT as a member of the Fisheries Management Committee for 2023-2025.

Carried: Absolute Majority 7/0

For:

**Cr THOMSON
Cr MASLI
Cr TUNG**

**Cr YON
Cr WOO**

**Cr FOO
Cr PEREIRA**

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

13 BEHIND CLOSED DOORS

14 CLOSURE OF MEETING

The Shire President closed the meeting at 8.13pm

15 DATE OF NEXT MEETING: 19 December 2023