



# CONFIRMED MINUTES

Ordinary Meeting held on 26 October 2021



**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 26 October 2021**

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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 26 October 2021

### 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

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 Farzian **ZAINAL**

Cr Azmi **YON**

Cr Vincent Cheng-Siew **SAW**

Manager Community/Recreation Services

Acting Manager for Finance and Administration

Manager Works, Services & Waste

Manager Research, Policy, Governance & Grants/Minute Taker

Olivier **LINES**

Rostyna **OH**

Graeme **HEDDITCH**

Chris **SU**

2.2 **Leave of Absence**

2.3 **Apologies**

Councillor

Chief Executive Officer

Manager Finance and Admin

Cr Morgan Boon Hwa **SOH**

David **PRICE**

So Hon **GAN**

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

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

### 4 PUBLIC QUESTION TIME

4.1 Cr YON fielded a question from a member of the public asking if Shire could continue a previous practice of assisting the public with immigration paperwork out of an ESL necessity. Cr THOMSON said that whilst assisting the public in their ESL needs at Community Services happened from time to time, advice needed to be sought about the extent of how much staff could do this in respect to Immigration paperwork. This type of assistance was usually done by licensed Migration Agents. MRST and CEO to investigate how much assistance staff can provide in these matters.

4.2 Cr YON passed on feedback from himself and the public on the Shire teams' work for Territory Week 2021. Council noted the participation of the Cocos (Keeling) Island Seniors delegation and the logistics of this work undertaken by Community Services Manager Oliver LINES and congratulated the Community Services section, Works and Services section and other Shire staff involved in the week.

- 4.3 Cr FOO requested to know if the SOCI Hiab truck was in operation. Some residents reported delays in the return of their local skip bin. MWS Graeme HEDDITCH advised that the Hiab plant was being reinstalled from an old truck to a new truck. This reinstall was causing the delay in the usual deployment schedule of the skip bins. Advised that the deployment schedule will be back to normal once the Hiab plant was installed and testing completed in the new truck.
- 4.4 Cr ZAINAL passed on positive feedback about the Shire of Christmas Island Territory Week celebrations. Advised that people had already begun booking flights and accommodation for the following year's Territory Week celebrations. A mainland party had been in contact with Cr ZAINAL who wished to know how they could engage in sponsorship with the Council for the following 2022 Shire of CI Territory Week.

Cr THOMSON advised that persons should contact the CEO and the MRST Oliver LINES for further discussion.

- 4.5 Cr ZAINAL enquired about the progress of a \$20,000 Building Better Regions Fund 2021 application. MGRPG Chris SU reported that Shire had been successful in its '*Indian Ocean Territories Performing Arts Congress*' which aimed to bring CKI and CI performers together for the first time during the Shire of Christmas Island Territory Week celebrations.

MGRPG reported that BBRF only announced successful applications mid-October and that one of the conditions of the grant was that it would not fund projects that have already been commenced. The Territory Week celebrations were around the October 1<sup>st</sup> Territory Day date and monies expended to bring the Cocos delegation to Christmas Island to showcase their performing arts, pre-empting the announcement of the successful applicants.

## 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 28 September 2021

Members considered the unconfirmed minutes.

#### Council Resolution

**Moved: Cr WOO** **Seconded: Cr LEE** **Res. No: 89/21**

That Council adopt the unconfirmed minutes of the 28 September 2021 Council Meeting.

**Carried: 8/0**

### 7.2 Minutes of Special Council Meeting held on 18 October 2021

Members considered the unconfirmed minutes.

#### Council Resolution

**Moved: Cr MASLI** **Seconded: Cr FOO** **Res. No: 90/21**

That Council adopt the unconfirmed minutes of the 18 October 2021 Special Council Meeting.

**Carried: 8/0**

### 7.3 Business Arising from the Minutes of Previous Meetings

## 8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 8.1 Cr THOMSON reported on the results of the CI Bag Limits Fishing Ballot on Saturday 23<sup>rd</sup> at the Poon Saan Community Hall, 241 votes cast with 231 in favour and 10 not in favour.

Noted that this was the first time in external territories' history that a community has been able to vote on a state-type law to apply in the territories.

Cr THOMSON contacted Assistant Minister Nola MARINO on Monday 25<sup>th</sup> October informing her of the results, along with Aaron O'NEIL and Sarah VAN DE BROEK from the Department who have acknowledged receipt.

## 9 REPORTS OF COMMITTEES

## 10 REPORTS OF OFFICERS

### 10.1 Chief Executive Officer

#### 10.1.1 Review of Council Committees

7.50pm – Cr YON left the meeting

7.52pm – Cr YON returned to the meeting

8.25pm – Meeting was adjourned

8.28pm – Meeting was reconvened.

### Council Resolution

**Moved: Cr LEE**

**Seconded: Cr WOO**

**Res. No: 91/21**

That Council resolves to appoint councillors to the following Committee's:

1. Community Consultative Committee
  - a) Retain the Community Consultative Committee with the functions, membership and powers as established and shown in Attachment 1.\*
  - b) Appoint Cr THOMSON, Cr MASLI and Cr SOH as the Councillor representatives on the Community Consultative Committee. \*
  - c) Invite nominations representative from the member organisations of the Community Consultative Committee.
  - d) Invite a nomination from the CI Tourism Association, CI Catholic Church and CI Christian Fellowship to join the 2021-2023 Community Consultative Committee.
2. Community Welfare Fund Management Committee
  - a) Retain the Community Welfare Fund Management Committee with the functions, membership and powers as established and shown in Attachment 1.\*
  - b) Appoint Cr YON and Cr FOO as the Councillor representatives on the Community Welfare Fund Management Committee.\*
3. The Islander Editorial Group
  - a) Appoint the Shire President and Cr YON as Councillor representatives on The Islander Editorial Group.
4. Cemeteries Management Reference Group
  - a) Appoint Cr SAW, Cr LEE and Cr ZAINAL as the Councillor representatives on the Cemeteries Management Reference Group.
  - b) Invite nominations for a serving representative from the member organisations of the Cemeteries Management Reference Group.
5. Community Cultural Planning & Heritage Reference Group
  - a) Appoint Cr MASLI as the Councillor representative on the Cultural Planning & Heritage Committee
6. Transport, Land and Communications Committee
  - a) Retain the powers and functions as prescribed by section 5.10 of the Local Government

Act (CI) 1995, and

- b) Appoint Shire President THOMSON, Cr LEE, Cr ZAINAL, the Chief Executive Officer, the Manager Works and Services and the Manager Governance, Research, Policy and Grants as Councillor and staff representatives in accordance with section 5.9 of the Local Government Act (CI) 1995\*.

7. Audit Committee

- a) That all current councillors be appointed to the Audit Committee in accordance with section 7.1A of the Local Government Act (CI) 1995.\*
- b) Retain the powers and functions as prescribed by section 7.1A of the Local Government Act (CI) 1995 and,
- c) That the Manager Finance and Administration attend the Audit Committee meetings in the capacity as ex – officio.

8. Retain the Senior Citizens Centre Advisory Committee with the functions, membership and powers as established and shown in Attachment 1.

- a) Appoint Cr FOO and Manager of Recreation Services and Training as the Council representatives on the Senior Citizens Centre Advisory Committee. \*
- b) Invite nominations for serving representative from the member organisation of the Christmas Island Seniors Association.

9. Retain the Fishery Management Committee with the functions, membership and powers as established by Council in December 2020. \*

- a) Appoint Cr THOMSON, Cr YON, Cr LEE, CEO and the Manager of Governance, Research, Policy and Grants.
- b) Call for nominations by public notice for three vacancies with the close of date for nominations 4pm Monday 15<sup>th</sup> November.

**Carried: 8/0**

## 10.2 Manager Finance & Administration

### 10.2.1 Schedule of Accounts – September 2021

**Council Resolution**

**Moved: Cr WOO**

**Seconded: Cr FOO**

**Res. No: 92/21**

That Council approves the expenditure as presented in September 2021 Schedule of Accounts

**Carried: 8/0**

### 10.2.2 Financial Statements – September 2021

**Council Resolution**

**Moved: Cr MASLI**

**Seconded: Cr FOO**

**Res. No: 93/21**

That Council receives the Financial Statements of September 2021 for the Municipal Fund.

**Carried: 8/0**

### 10.2.3 Outstanding Rates/Debtors Report 30 September 2021

**Council Resolution**

**Moved: Cr SAW**

**Seconded: Cr MASLI**

**Res. No: 94/21**

The report is noted.

**Carried: 8/0**

### 10.3 Manager Community/Recreation Services & Training

### 10.4 Manager Works, Services & Waste

### 10.5 Manager Governance, Research, Policy & Grants

#### 10.5.1 Regulation 17 Review

##### **Council Resolution**

**Moved: Cr MASLI**

**Seconded: Cr SAW**

**Res. No: 95/21**

That the Council adopts the reviewed Regulation 17 documents to satisfy the compliance requirements for Regulation 17 of the WA Local Government (Audit) Regulations and accept the Regulation 17 Report for the period

- Legislative Compliance Management Framework 2021
- Internal Controls Framework 2021
- Risk Management Plan 2021

**Carried: 8/0**

### 11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

#### 12.1 Resolution to accept new business

##### **Council Resolution**

**Moved: Cr YON**

**Seconded: Cr SAW**

**Res. No: 96/21**

That the Council receive new business regarding comment by Amanda Clarke on 18 October 2021 on Facebook group 'CI Blackboard.'

**Carried: 8/0**

#### 12.2 Legal advice

##### **Council Resolution**

**Moved: Cr FOO**

**Seconded: Cr YON**

**Res. No: 97/21**

Council requests the CEO obtain legal advice about the statement made by Amanda M Clarke on Monday 18 October on the Facebook Group 'CI Blackboard,' a public access community Facebook page operated by and for Christmas Island residents. Legal advice is to be sought about a comment made by Amanda Clarke in reference to the Shire election that concluded on 16 October. Should such legal advice recommend action be taken, the CEO is authorised to instruct a law firm to commence proceedings in accordance with legal advice provided.

**Carried: 8/0**

### 13 BEHIND CLOSED DOORS

##### **Council Resolution**

**Moved: Cr SAW**

**Seconded: Cr WOO**

**Res. No: 98/21**

The meeting be closed to members of the public in accordance with section 5.23(2) of the Local Government Act 1995 for council to discuss matter of a confidential nature.

**Carried: 8/0**



### 13.1 CEO Performance Appraisal

**Council Resolution****Moved: Cr YON****Seconded: Cr FOO****Res. No: 99/21**

That Council –

1. Commence the performance review of the CEO, in accordance with Clause 4 of the Contract of Employment between the Shire of Christmas Island and the CEO, to be completed prior to the Ordinary Council Meeting scheduled for 14 December 2021.
2. That the Shire President write to the CEO formally advising of such in accordance with Clause 4 of the Contract of Employment between the Shire of Christmas Island and the CEO and;
3. That the CEO provides approved performance review documentation to Council in accordance with the procedure detailed in Clause 4 of the Contract of Employment between the Shire of Christmas Island and the CEO.

**Carried: 8/0****Council Resolution****Moved: Cr YON****Seconded: Cr SAW****Res. No: 100/21**

The meeting be reopened to members of the public.

**Carried: 8/0****14 CLOSURE OF MEETING**

The Shire President closed the meeting at 9.20 pm

**15 DATE OF NEXT MEETING: 16 November 2021**