



# CONFIRMED MINUTES

**Ordinary Meeting held on 19 November 2019**



## 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 19 November 2019**

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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 19 November 2019

### 1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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 Vincent **SAW**  
Cr Philip **WOO**  
Cr Kelvin **LEE**  
Cr Morgan **SOH**  
Cr Azmi **YON**  
Cr Farzian **ZAINAL**

Chief Executive Officer  
Acting Manager Finance and Admin  
Manager Governance, Research, Policy & Grants  
Manager Works, Services & Waste

David **PRICE**  
Rostyna **OH**  
Chris **SU**  
Graeme **HEDDITCH**

Minute Taker

Chris **SU**

#### 2.2 Leave of Absence

#### 2.3 Apologies

Manager Community/Recreation Services and Training  
Councillor

Olivier **LINES**  
Cr Hafiz **MASLI**

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

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

3.1 Council reviewed the follow up actions in the *Action Report to Council of Ordinary Council Meeting 22 October 2019 which contained PQTs taken on notice.*

### 4 PUBLIC QUESTION TIME

4.1 Local resident Tanya **CROSS** of Eco-Crab Industries raised a safety issue concerning nails, suspected to be left from the burning of pallet boxes, on Lily Beach. Asked is there a clean-up planned for Lily Beach and how can we prevent it from happening again?

CEO David **PRICE** responded that the front page of the Islander his 22<sup>nd</sup> November 2019 is dedicated to the matter and that the Ranger will be on special alert going into the end of the year for beach fires around the island.

President Gordon **THOMSON** said that the Shire should commit to inspections to ensure safe utilisation of the beach with respect to nails and other sharp objects.

Tanya **CROSS** raised a question concerning turtle nesting site safety on Greta Beach. The remains of a large beach fire was found in the last week by residents whilst visiting Greta Beach. Unfortunately the site of the ashes was at the base of the cliff at Greta Beach, a known nesting site for turtle eggs. Tanya **CROSS** surmised that any fires, especially at that point of the beach, would be extremely harmful to the buried turtle eggs. She asked if there could be any signage put up to educate beach-goers that Greta is a turtle nesting site?

President Gordon **THOMSON** responded that Shire will confer with other agencies on creation of signage to educate the public on the importance of the beach to turtle life. President **THOMSON** advised that the Shire has always encouraged inductions amongst employers to educate new arrivals on social, cultural norms of acceptable behaviour as well as provide advice for cyclone seasons and environmental practices around the island. The Shire will revisit this.

Tanya **CROSS** put forward that it was likely ignorance of the best environmental practice noting that a recent volunteer clean-up effort of Greta Beach with personnel from the Navy had them stack up driftwood at the base of the cliff where turtles nest for burn off. A local involved in the clean-up advised them that this was a turtle nesting site.

CEO David **PRICE** responded that a workshop planned for February 2020 with Parks, SOCI, CIDHS, DEWR and IOTA to plan the year in terms of clean ups was scheduled.

- 4.2 Cr Azmi **YON** requested an update on the Kampong Padang swingset installation. MWS Graeme **HEDDITCH** said that several items seemed not to be in the latest container arrival this month from shipping.
- 4.3 Cr Azmi **YON** raised that the seawall in Flying Fish Cove was problematic in terms of lack of safety railing and that this presented a problem especially in front of the Mosque area. CEO David **PRICE** said he would raise this with DITCRD for their attention.
- 4.4 Cr Azmi **YON** expressed his satisfaction on the bitumen roadworks program around the township. Cr Azmi **YON** passed on his thanks to Shire from the Islamic community for the loan of the Shire Marquee for the Prophet Muhammed festival on Sunday 16<sup>th</sup> November.
- 4.5 Cr Farzian **ZAINAL** requested to know if there was planning for a Phosphate Hill Road footpath. President recounted the Dual Use Pathway Plan from previous MWS Manager David **NIELSON's** era and that funding was once committed to it by the Commonwealth, but they had since ceased the commitment. They had ceased it after completion of the Drumsite segment. CEO David **PRICE** advised that Shire was currently discussing the Poon-Saan to Drumsite segment of the Dual Use Pathway Plan and that it would seek out the Commonwealth to make a contribution.
- 4.6 Cr Morgan **SOH** passed on a resident's feedback about the speed hump / crosswalk between Block 501 and the Poon Saan shops as not being an effective deterrent to slow down traffic and asked if the Shire could raise it? MWS Graeme **HEDDITCH** advised that speed humps have been ordered and have since arrived; they will be installed in the Poon Saan area but at other priority locations along Poon Saan road where no speed hump / crosswalks are at present.

## **5 APPLICATIONS FOR LEAVE OF ABSENCE**

### **5.1 Leave of Absence – Cr SAW**

#### **Council Resolution**

**Moved: Cr Yon**

**Seconded: Cr Lee**

**Res. No: 98/19**

That Cr SAW be granted a Leave of Absence from 21<sup>st</sup> January to 18<sup>th</sup> February

**Carried: 8/0**

**6 PETITIONS/DEPUTATIONS/PRESENTATIONS**

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

Councillor SAW suggested an amendment to PQT part 4.5 of the October 2019 Minutes *'...and other areas around town subject to the budget'* in reference to the CEO's response in advising where new exercise equipment could be installed at the Skate Park.

Council reviewed the follow up actions in *the Action Report to Council of Ordinary Council Meeting 22 October 2019 which contained Business Arising.*

CEO updates Council on the proposed meeting with shopkeepers. Puts forward that the demurrage fees caused by swell are a significant inhibitor to shopkeepers' planning and that as the Commonwealth absorbed the costs associated with the crane damage previously as *'an Act of God'* then Commonwealth could absorb the cost for the demurrage fees too as swells would fall under the same.

**7.1 Minutes of Ordinary Council Meeting held on 22 October 2019**

Members considered the unconfirmed minutes.

<b>Council Resolution</b>		
<b>Moved: Cr WOO</b>	<b>Seconded: Cr FOO</b>	<b>Res. No: 99/19</b>
That Council adopt the unconfirmed minutes of the 22 October 2019 Council Meeting.		
<b>Carried:</b>	<b>8/0</b>	

**7.2 Business Arising from the Minutes of Previous Meetings**

**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

8.1 Malay Club Fisheries Meeting November 11th  
President Gordon THOMSON reported on the Fisheries Meeting held at the Malay Club at 4.30pm on Monday November 11<sup>th</sup>. He had circulated a two page document from the Community Consultative Committee that summarised the position and presented the resolution passed at the CCC's Wednesday 6<sup>th</sup> November meeting.

The resolution was read out:

***Motion:***

*The Minister is requested to propose an Ordinance covering the Christmas Island Fishery for public consultation that:*

- 1 Provides for the establishment of a Christmas Island Fish Resources Management Authority (the Authority) to be constituted by so many members as the Council of the Shire of Christmas Island may determine, including at least one person qualified and practising in a field of marine science specialising in fish resource management and at least one person qualified and practising in a field of the law or government.*
- 2 Provides all powers and authority of the Australian Government's Minister responsible for the administration of the Territory of Christmas Island are delegated to the Christmas Island Fish Resources Management Authority, so far as those powers of the Minister are relevant to the management of fish resources on land and in the ocean within the territory and territorial waters of Christmas Island.*
- 3 Provides that the Authority shall be responsible for making and enforcing regulations about all matters pertaining to aqua-culture, marine research, commercial and recreational fishing. Such regulations shall only have effect when approved by a popular vote of persons registered to vote in a Local Government election.*

Moved: Hafiz **MASLI**  
Carried: 7/0

Seconded: Kelvin **LEE**  
Resolution: CCC15/2019

President Gordon THOMSON summarised that the theme of the CCC meeting was that Island people should look after the fish with the authority of the Minister delegated to them.

## **9 REPORTS OF COMMITTEES**

### 9.1 Minutes of Community Consultative Committee Meeting

#### **Council Resolution**

**Moved: Cr FOO**

**Seconded: Cr LEE**

**Res. No: 100/19**

That the Confirmed Minutes of the Community Consultative Committee meeting held on 25<sup>th</sup> September 2019 be accepted.

**Carried: 8/0**

### 9.2 Minutes of Community Welfare Fund Management Committee Meetings

#### **Council Resolution**

**Moved: Cr YON**

**Seconded: Cr ZAINAL**

**Res. No: 101/19**

That the Confirmed Minutes of the Community Welfare Fund Management Committee Meeting held on 10 April 2019 and the Unconfirmed Minutes of the Community Welfare Fund Management Committee Meeting held on 7 November 2019 be received.

**Carried: 8/0**

## **10 REPORTS OF OFFICERS**

### **10.1 Chief Executive Officer**

#### 10.1.1 Annual Report 2019

#### **Council Resolution**

**Moved: Cr FOO**

**Seconded: Cr WOO**

**Res. No: 102/19**

1. The Shire of Christmas Island Annual Report for 2019 is accepted.
2. An Elector's General Meeting is held on Tuesday 10 December 2019 commencing at 6.30pm for the purpose prescribed by the Local Government Act 1995 (WA) (CI).
3. The Chief Executive Officer is to give notice of the Elector's Meeting and to ensure that statutory requirements regarding the acceptance of the Annual Report 2019 are met.

**Carried: 8/0**

#### 10.1.2 Dates for Ordinary Council Meetings 2020

#### **Council Resolution**

**Moved: Cr YON**

**Seconded: Cr SAW**

**Res. No: 103/19**

That Council adopts the following schedule of Ordinary Meetings for 2020 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:

- 11 February 2020 ordinary meeting due to the long period of no meetings between December 2019 and February 2020.
- 20 October 2020 Ordinary Meeting being the 3<sup>rd</sup> Tuesday 4 weeks after the September Ordinary Meeting. 17 November 2020 Ordinary Meeting being the 3<sup>rd</sup> Tuesday 4 weeks after the October 2020 Ordinary Meeting and 3 weeks before the December 2020 Ordinary Meeting which is scheduled for the 8<sup>th</sup> December 2020 being the 2<sup>nd</sup> Tuesday due to the Christmas close down period in December 2020.

11 February 2020

24 March 2020  
28 April 2020  
26 May 2020  
23 June 2020  
28 July 2020  
25 August 2020  
22 September 2020  
20 October 2020  
17 November 2020  
8 December 2020

**Carried: 8/0**

10.1.3 Application for Registration of Food Business – ‘*Flying Fish Café Christmas Island*’ to operate a food vendors trailer

### **Council Resolution**

**Moved: Cr YON**

**Seconded: Cr SAW**

**Res. No: 104/19**

Council approve Registration of the proprietor Fauziah Buang and Nadirah Mohd Hasinudin and their proposed Food Business “Flying Fish Café Christmas Island” to operate a food vendors trailer subject to:

1. Compliance with the applicable provisions of the Western Australian Food Act 2008 and all of its subsidiary regulations and codes where applicable;
2. Trade is permitted at the Cove car park adjacent to the kayak storage area and the Tea Gardens next to the Police Station daily between 8am to 2pm and 5pm to 8pm subject to the land owner being the Commonwealth granting written permission;
3. Proponent provide an ABN and copy of \$10,000,000 Public Liability Insurance Policy covering the food trailer prior to any Registration of the Food Business;
4. Foods for sale all to be pre-prepared at the food premise and must be packaged and /or wrapped or be sourced from other commercial providers or registered food outlets;
5. This Registration /Licence expires each 30<sup>th</sup> June, the registration is ongoing and renewable when applied for and paid prior to 30th June in each year provided conditions have not changed;

Home-based food businesses use their home to handle food for sale. This includes preparing and storing food for the mobile food vehicle and requires registration under the Food Act 2008.

Home-based businesses must comply with relevant parts of the Food Standards Code, including:

- [Standard 3.2.2 - Food Safety Practices and General Requirements](#)
- [Standard 3.2.3 Food Premises and Equipment](#)
- [Part 1.2 - Labelling and Other Information Requirements](#)

The Shire’s Health Officer can inspect home businesses to make sure these requirements are being met.

6. Food trailer is to be maintained in accordance with applicable ANZFA Food Safety Standards;
7. All foods to be protected at all times from contamination in suitable food grade containers with cold products being maintained at 5c or below and hot foods maintained at 60c or greater during transportation and on location;
8. The mobile food trailer must have access to and be parked within walking distance of an available public or other available toilet facility for the operator’s use only during trading hours;
9. The operator is to provide a suitable waste receptacle for rubbish which is generated from the food trailer only and remove that rubbish from the Cove back to 8/13 Jalan Pantai Kampong always ensuring the area around the food trailer is left in a clean and tidy state upon departure;



10. The food trailer is to be stored at 8/13 Jalan Pantai Kampong when not operating;
11. The Shire as the enforcement agency may where the Food Act 2008 and its subsidiary regulations permits may cancel the Registration of a Food Business; and
12. Part 9 of the Food Act 2008 a copy of which is attached as Appendix 2 to this report to be provided to the proponent for information.
13. The Food Trailer applicants are required to consult with the operators of the Halal Café and the Golden Bosun on the timing of their operations within the approved areas and the menus within the specified operating times.

**Carried: 8/0**

#### 10.1.4 Formal complaint pertaining to the Christmas Island Local Government Elections 2019

**Council Resolution**

**Moved: Cr YON**

**Seconded: Cr FOO**

**Res. No: 105/19**

That Council notes:

The CEO's in his capacity as the Returning Officer for the Christmas Island Local Government Elections 2019 reported that he has received a formal complaint to the Christmas Island Local Government Elections 2019.

The CEO in his capacity as the Returning Officer for the Christmas Island Local Government Elections 2019 replied to that complaint.

**Carried: 8/0**

### 10.2 Manager Finance & Administration

#### 10.2.1 Schedule of Accounts – October 2019

**Council Resolution**

**Moved: Cr LEE**

**Seconded: Cr WOO**

**Res. No: 106/19**

That Council approves the expenditure as presented in October 2019 Schedule of Accounts.

**Carried: 8/0**

#### 10.2.2 Financial Statements – October 2019

**Council Resolution**

**Moved: Cr SOH**

**Seconded: Cr SAW**

**Res. No: 107/19**

That Council receives the Financial Statements of October 2019 for the Municipal Fund.

**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 Shire of Christmas Island Waste Local Law

**Council Resolution**

**Moved: Cr LEE**

**Seconded: Cr SAW**

**Res. No: 108/19**

That Council –

Endorse the following proposed Shire of Christmas Island Local Law for adoption and gazettal:

- Shire of Christmas Island Waste Local Law 2019

**Carried: 8/0**

## 10.5.2 Indian Ocean Learning Communities

### **Council Resolution**

**Moved: Cr YON**

**Seconded: Cr FOO**

**Res. No: 109/19**

That Council:

- Acknowledges and supports the intent and objectives of the Indian Ocean Learning Communities (IOLC)
- Make itself available to welcome Dr. Goh Lay Beng from Temasek Polytechnic during her forthcoming 23 Nov. to 26 Nov. visit to CI.

**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 Introduction of new business

### **Council Resolution**

**Moved: Cr YON**

**Seconded: Cr FOO**

**Res. No: 110/19**

That Council accept new business regarding a Council response to the Draft Christmas Island Fisheries Ordinance 2019

**Carried: 8/0**

### 12.2 Council Response to Draft CI Fisheries Ordinance 2019

### **Council Resolution**

**Moved: Cr YON**

**Seconded: Cr ZAINAL**

**Res. No: 111/19**

That Council accept the Wednesday 6<sup>th</sup> November resolution of the Community Consultative Committee regarding the fisheries ordinance as Council's position regarding the matter.

The Minister is requested to propose an Ordinance covering the Christmas Island Fishery for public consultation that:

- 4 Provides for the establishment of a Christmas Island Fish Resources Management Authority (the Authority) to be constituted by so many members as the Council of the Shire of Christmas Island may determine, including at least one person qualified and practising in a field of marine science specialising in fish resource management and at least one person qualified and practising in a field of the law or government.
- 5 Provides all powers and authority of the Australian Government's Minister responsible for the administration of the Territory of Christmas Island are delegated to the Christmas Island Fish Resources Management Authority, so far as those powers of the Minister are relevant to the management of fish resources on land and in the ocean within the territory and territorial waters of Christmas Island.
- 3 Provides that the Authority shall be responsible for making and enforcing regulations about all matters pertaining to aqua-culture, marine research, commercial and recreational fishing. Such regulations shall only have effect when approved by a popular vote of persons registered to vote in a Local Government election.

**Carried: 8/0**

## **13 BEHIND CLOSED DOORS**

## **14 CLOSURE OF MEETING**

The Shire President closed the meeting at 8.05 pm

## **15 DATE OF NEXT MEETING: 10 December 2019**