



CONFIRMED MINUTES

Ordinary Meeting held on 11 December 2018



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 11 December 2018

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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 11 December 2018

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 Rosnah **PAL**
Cr Azmi **YON**
Cr Kelvin **LEE**
Cr Philip **WOO**
Cr Vincent **SAW**
Cr Hafiz **MASLI**

Chief Executive Officer
Manager Finance and Admin
Manager Governance Research Policy & Grants

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

Minute Taker

Chris **SU**

2.2 Leave of Absence – Cr Nora **KOH**

2.3 Apologies

2.4 Declarations of Financial/Impartiality/Proximity Interest

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

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 20 November 2018

Members considered the unconfirmed minutes.

Council Resolution

Moved: Cr YON

Seconded: Cr SAW

Res. No: 100 /18

That Council adopt the unconfirmed minutes of the 20 November 2018 Council Meeting.

Carried: 8/0

7.2 Business Arising from the Minutes of Previous Meetings

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 8.1 Shire President **THOMSON** reported on his and CEO **PRICE's** visit to Canberra the week earlier. They presented the Christmas Island Resort petition to DIRDC Minister Sussan **LEY**; it contained 408 signatures which represents 75% of the on island Owners and Occupiers Role for the local government area of Christmas Island showing a very significant percentage of residents wanting the Christmas Island Resort to return to its full original operational capacity.

Minister **LEY** gave the Shire President a letter, which will be circulated to council members and filed.

Shire President **THOMSON** reported that Minister **LEY** appreciated the Shire President's position on the urgency on the matter in light of the economic downturn and in his request for a decision as soon as possible on the matter of a license for the CI Resort. The Ministers response in the October 2018 meeting on Christmas Island was that she was very sympathetic to the situation and had asked the Attorney General for advice on the question of whether or not she could issue a license to the Christmas Island Resort, or whether or not it had to be put to the open market for a tender.

Minister **LEY** told Shire President **THOMSON** and CEO **PRICE** that she has yet to receive advice from the office of the Attorney General.

Minister **LEY** put for discussion that even if the Attorney General provided advice that she could issue a license to Christmas Island Resort, should the Government do that?

Shire President **THOMSON** recounted that at the October 2018 Minister-Council meeting on the island, that DIRDC General Manager Claire **HOWLETTE** put to the meeting that the casino license decision was worth potentially "billions" and that it was also her view when put to her by the Shire President if she considered a casino license as a Government asset to be 'tendered out' that it definitely was.

Shire President said that historically, no fee has ever been given for a license on Christmas Island and rather the agreement previously was that the CIR had to pay for everything involved in the running of place and associated required infrastructure in return for a license being provided.

The Minister put to the Shire President and CEO that a casino license could be a significant contributor to Commonwealth revenue and that in regards to a regulatory regime, that it was still underway, but a result is expected 'soon.'

Shire President **THOMSON** reported that he and CEO **PRICE** had met with WA Department of Premier and Cabinet (DPC) on Monday 3rd December 2018 on the way through to Canberra to follow up on ideas raised at the earlier October 2018 visit.

The October 2018 visit saw the Shire President raise with the DPC the history of the WA DPC involvement with the regulatory framework for the Christmas Island Resort in the 1990s. The DPC reported at the December meet that it was supportive of being the regulatory partner for any new casino development on Christmas Island and that if the DIRDC Minister contacted the WA Premier, then they would be happy to assist in the matter. This was expressed to the Minister at the meeting later in the week at the Thursday 6th December meeting.

CEO **PRICE** provided that the Attorney General's advice might be that the Minister 'must' provide a license to Christmas Island Resort, for a variety of legal reasons around the lease.

CEO **PRICE** said that the Minister would take the matter to Cabinet in February and could visit the island March. The overall feeling from the meeting was that the question of whether or not a casino should be had on Christmas Island is passed and the question was more on how to achieve one.

The Minister advised that KPMG had been assigned for 'market testing' to assess market interest in a casino opportunity on Christmas Island. The Shire President presented a letter from casino developer John **HADDAD** on the Christmas Island Resort development.

Minister **LEY** advised the Shire that she didn't want this matter to be 'politicised,' and acknowledges that she might not be in the office at the decision time. She informed the Shire that she will hand over the matter to any incoming person and informed the Shire President that she will act 'in good conscience' to see the matter through as best she can.

Cr YON asked where does the matter sit now?

Shire President **THOMSON** said it sits with Minister **LEY** to present to Cabinet in February and that the petition that was delivered to her gave her clear community support for the idea. Shire President **THOMSON** said that General Manager Claire **HOWLETT** had not yet given her the report from the Community Hall Casino Consultation meeting on Christmas Island on the 8th November 2018. The petition with its 75% of on island Owners and Occupiers role numbers was a very powerful document for her information.

9 REPORTS OF COMMITTEES

9.1 Minutes of Community Consultative Committee Meetings

Council Resolution

Moved:

Seconded:

Res. No:

That the Confirmed Minute of the Community Consultative Committee meeting held on 6 June 2018 and the Unconfirmed Minutes of the Community Consultative Committee meeting held on 7 November 2018 be received.

Shire PRESIDENT **THOMSON** advised the Council that the attached 7 November 2018 CCC minutes were not yet confirmed by the CCC.

Council Resolution

Moved: Cr YON

Seconded: Cr FOO

Res. No: 101/18

Motion to defer item 9.1 'Minutes of Community Consultative Committee Meetings' to the next Council meeting.

Carried: 8/0

9.2 Community Welfare Fund Management Committee Meeting

Council Resolution

Moved: Cr YON

Seconded: Cr FOO

Res. No: 102/18

That the Confirmed Minutes of the Community Welfare Fund Management Committee Meeting held on 20 August 2018 and the Unconfirmed Minutes of the Community Welfare Fund Management Committee Meeting held on 19 November 2018 be received.

Carried: 8/0

10 REPORTS OF OFFICERS

10.1 Chief Executive Officer

10.1.1 Appointment of Acting CEO

Council Resolution

Moved: Cr YON

Seconded: Cr SAW

Res. No: 103/18

That Council appoint the Manager Finance and Administration, Ms Gan So Hon as Acting Chief Executive Officer for the period 6th January 2019 to 2nd February 2019 inclusive, and that the applicable higher duties apply.

Carried: 8/0

10.1.2 Items Sale By Tender

Council Resolution		
Moved: Cr MASLI	Seconded: Cr PAL	Res. No: 104/18
Council endorses the CEOs action for the sale by tender on the following:		
1. The acceptance by tender of \$1005.00 from Ibrahim Beddow for the Toyota King Cab 4x4 P60377		
Carried: 8/0		

10.1.3 Shire of CI Land and Economic Futures Charter

Council Resolution		
Moved: Cr LEE	Seconded: Cr MASLI	Res. No: 105/18
Council endorses the Draft Shire of Christmas Island Land and Economic Futures Charter for consideration in the review of the Shire's Local Planning Scheme No 2 together with the Draft CI Singapore Strategy.		
Council also encourages the development of dialogue between the Shire and the University of Murdoch's Singapore Campus in examining future land use options on Christmas Island.		
The CEO is required to ensure the necessary community engagement is facilitated with the review process.		
Carried: 8/0		

10.2 Manager Finance & Administration

10.2.1 Schedule of Accounts – November 2018

Council Resolution		
Moved: Cr FOO	Seconded: Cr YON	Res. No: 106 /18
That Council approves the expenditure as presented in November 2018 Schedule of Accounts.		
Carried: 8/0		

10.2.2 Financial Statements – November 2018

Council Resolution		
Moved: Cr FOO	Seconded: Cr LEE	Res. No: 107/18
That Council receives the Financial Statements of the November 2018 for the Municipal Fund.		
Carried: 8/0		

10.3 Manager Community Services

10.4 Manager Works & Services

10.5 Manager Recreation Services & Training Officer

10.6 Manager Governance, Research, Policy & Grants

Shire President **THOMSON** invited the Manager of Governance, Research, Policy and Grants Chris **SU** to brief Council on the outcomes of the Special General Meeting of the Indian Ocean Territories Regional Development Organisation (IOTRDO) on the 8th December 2018 that impacted on Council.

Manager Chris **SU** advised the Council that a new constitution was passed by Special Resolution at the Special General Meeting that involved significant departures from the existing IOTRDO constitution including;

- a) The removal of the Shire of Cocos (Keeling) Islands and Shire of Christmas Island from their permanent seats on the committee
- b) The removal of the ability for the committee members to vote on applications for membership to the committee; this power is now totally vested in the Chair
- c) The removal of the Deputy Chairperson position from the IOTRDO
- d) The removal of the ability for the committee to elect a person at a meeting to preside the meeting in the absence of the Chairperson or Deputy Chairperson
- e) The explicit rule that a meeting of the IOTRDO cannot take place unless the Chairperson is present, no matter if the rest of the membership are at the meeting
- f) That two new community representatives will be added to the committee, from CKI and CI respectively
- g) The proposed rule that the Chairperson can unilaterally remove a member from the IOTRDO without consultation with the other members

With the exception of the 'unilateral removal powers' for the Chairperson in (g), the constitution was passed by Special Resolution of the IOTRDO, carried 6-1. Manager Chris **SU** said that he had voted against the changes and had requested he be recorded as such in the meeting.

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 Acceptance of New Business

Council Resolution		
Moved: Cr YON	Seconded: Cr SAW	Res. No: 108/18
That Council move to hear new business at the meeting		
Carried:	8/0	

12.2 IOTRDO

Council Resolution		
Moved: Cr YON	Seconded: Cr SAW	Res. No: 109/18
<p>We note the <i>WA Associations Incorporation Act 2015</i> requires details of proposed changes to a constitution be provided with the notice of Special Resolution in s.30(4)(a); and that the IOTRDO constitution requires 21 days' notice for a Special General Meeting to occur that includes a Special Resolution to be voted upon in s.15(7). This did not occur. The Shire is to lodge a complaint with the Commissioner for Incorporated Associations with respect to this deficiency.</p> <p>Secondly the Shire objects most strenuously to certain changes adopted by the IOTRDO members on the 8th December;</p> <ul style="list-style-type: none"> - The removal of the two Shire Councils from the committee - The assignment of power to the Chairperson to decide the membership of the IOTRDO replacing the previous power of all of the members of the RDO to determine the membership of the RDO through election - Removal of the Deputy Chair position - Removal of the right of RDO members to decide who should chair a meeting in the absence of the Chair and Deputy Chair - The added provision that prevents the RDO meeting in the absence of the Chair <p>It is noted that it was proposed that the Chair could remove a member at her sole discretion (this proposal was withdrawn at the meeting).</p> <p>We advise the members of the IOTRDO of this decision of Council.</p>		
Carried:	8/0	

13 BEHIND CLOSED DOORS

14 CLOSURE OF MEETING

The Shire President closed the meeting at 8.25pm

15 DATE OF NEXT MEETING: 12 February 2019