

Shire of Cocos (Keeling) Islands

Shire of Cocos (Keeling) Islands

Agenda

Special Meeting of Council

Wednesday 25 October 2023, 4:00pm

Council Chambers, Administration Building
at Lot 256 Jalan Bunga Melati, Home Island

OUR VALUES

Service

Provide the best service we can.

We serve the community and each other.

Accountability

We take responsibility for our own actions.

We do what we say we will do.

Mistakes are an opportunity to learn.

Support

We support our team and our community.

Look for opportunities to help each other.

Respect

We respect and value others.

Our interactions are always respectful towards others.

Integrity

We will be honest and transparent with all our dealings.

Maintain confidentiality.

Trust each other.

Achievement

Being proactive and enabling the outcomes.

Be creative and think outside the square.

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1. OPENING/ANNOUNCEMENTS OF VISITORS

As this is the first meeting of the newly elected Council the Chief Executive Officer will declare the meeting open and chair the meeting until the election of the president has been undertaken.

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

3. PUBLIC QUESTION TIME

Please Note: Section 7(4)(b) of the *Local Government (Administration) Regulations 1996* states that a Council at a Special Meeting is not required to answer a question that does not relate to the purpose of the meeting. It is requested that only questions that relate to items on the agenda be asked.

4. REPORT OF THE RETURNING OFFICER – LOCAL GOVERNMENT ELECTION HELD ON 21 OCTOBER 2023

The report received from the Returning Officer for the Local Government Election held on 21 October 2023 is to be read aloud by the Chief Executive Officer.

5. SWEARING IN OF NEWLY ELECTED COUNCILLORS

In accordance with section 2.29 of the *Local Government Act 1995 (WA)(CKI)*, a person elected as a Councillor is to make a declaration in the prescribed form before acting in the office.

All Councillors making such declaration have been provided with a copy of the relevant forms.

Declarations required are to be made before an authorised person. In accordance with regulation 13(5) of the *Local Government (Constitution) Regulations 1998* an authorised person means a person before whom a statutory declaration can be made under *the Oaths, Affidavits and Statutory Declarations Act 2005*.

Mr Haji Adam Anthony JP has been invited to assist in the swearing in ceremony.

6. DECLARATIONS OF INTEREST BY MEMBERS AND SHIRE OFFICERS

7. ELECTION OF PRESIDENT

Report Information

Date: 23 October 2023
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: Shire Wide
 Attachments: Nomination Form – Attachment Two

Authority / Discretion

Definition

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i>
<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

Report Purpose

The purpose of this item is to provide mechanism for Council to elect a Shire President.

Relevant Documents

Nil

Available for viewing at the meeting

Nil

Background

The election of the Shire President is the first matter to be dealt with at the first meeting after an election. The election is to be conducted by the CEO in accordance with the procedure described by the *Local Government Act 1995 (WA) (CKI)*. Nominations for positions are to be given to the CEO in writing before the meeting, during the meeting or before the close of nominations.

Comment

If a Councillor is nominated by another Councillor, the CEO can only accept the nomination if the nominee confirms that he or she is willing to accept the nomination. Where there is more than one nominee for the position, Councillors are to cast their votes by secret ballot. Each nominee will be invited, in alphabetical order, to speak for a maximum of five minutes. The CEO will preside over the meeting until the Shire President has been elected and sworn in. The Shire President will preside over the remainder of the meeting.

Policy and Legislative Implications

The *Local Government Act 1995 (WA) (CKI)* (Schedule 2.3) stipulates the procedures for the election of Presidents and Deputy Presidents. Under Section 2.29(2) of the *Local Government Act 1995 (WA) (CKI)* a person elected by the council as Mayor, President, Deputy Mayor or Deputy President has to make a declaration in the prescribed form before acting in the office.

Financial Implications

There are no financial implications associated with this report.

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2022 -2032

Objective L1: To be involved, respectful and inclusive and to facilitate diversity and representation within the decision-making process.

Risk Implications

There are no risk implications associated with this report.

Voting Requirements

Absolute majority required.

Should the matter go to the ballot, the Chief Executive Officer to be the Returning Officer and Manager Governance, Risk and Planning is to be the scrutineer.

OFFICER RECOMMENDATION – ITEM NO 7

- 1. THE CHIEF EXECUTIVE OFFICER ANNOUNCES THE FOLLOWING CANDIDATES FOR THE POSITION OF SHIRE PRESIDENT.**

CR _____

CR _____

CR _____

CR _____

- 2. THE CHIEF EXECUTIVE OFFICER ANNOUNCES THAT CR _____ WAS ELECTED BY COUNCIL TO BE SHIRE PRESIDENT FOR THE ENSUING TWO-YEARS.**

8. DECLARATION OF OFFICE BY NEWLY ELECTED PRESIDENT

Once elected, the President is to make a declaration before a JP in the prescribed form before taking office.

9. ELECTION OF DEPUTY PRESIDENT

Report Information

Date: 23 October 2023
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: Shire Wide
 Attachments: Nomination Form – Attachment Three

Authority / Discretion

Definition

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i>
<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

Report Purpose

The purpose of this item is to provide mechanism for Council to elect a Deputy Shire President.

Relevant Documents

Nil

Available for viewing at the meeting

Nil

Background

The election is to be conducted in accordance with the procedure described by the *Local Government Act 1995 (WA) (CKI)*. Nominations for positions are to be given to the CEO in writing before the meeting, during the meeting or before the close of nominations.

Comment

If a Councillor is nominated by another Councillor, the CEO can only accept the nomination if the nominee confirms that he or she is willing to accept the nomination. Where there is more than one nominee for this position, Councillors are to cast their votes by secret ballot. Each nominee will be invited, in alphabetical order, to speak for a maximum of five minutes.

Policy and Legislative Implications

The *Local Government Act 1995 (WA) (CKI)* (Schedule 2.3) stipulates the procedures for the election of Presidents and Deputy Presidents. Under Section 2.29(2) of the *Local Government Act 1995 (WA) (CKI)* a person elected by the council as Mayor, President, Deputy Mayor or Deputy President has to make a declaration in the prescribed form before acting in the office.

Financial Implications

There are no financial implications associated with this report.

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2022 -2032

Objective L1: To be involved, respectful and inclusive and to facilitate diversity and representation within the decision-making process.

Risk Implications

There are no risk implications associated with this report.

Voting Requirements

Absolute majority required.

Should the matter go to the ballot, the Chief Executive Officer to be the Returning Officer and Manager Governance, Risk and Planning is to be the scrutineer.

OFFICER RECOMMENDATION – ITEM NO 9

- 1. THE CHIEF EXECUTIVE OFFICER ANNOUNCES THE FOLLOWING CANDIDATES FOR THE POSITION OF DEPUTY SHIRE PRESIDENT.**

CR _____
CR _____
CR _____
CR _____

- 2. THE CHIEF EXECUTIVE OFFICER ANNOUNCES THAT CR _____ WAS ELECTED BY COUNCIL TO BE DEPUTY SHIRE PRESIDENT FOR THE ENSUING TWO-YEARS.**

10. DECLARATION OF OFFICE BY NEWLY ELECTED DEPUTY PRESIDENT

Once elected, the Deputy President is to make a declaration before a JP in the prescribed form before taking office.

11. SEATING ARRANGEMENTS FOR COUNCILLORS

Report Information

Date: 23 October 2023
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: Shire Wide
 Attachments: Nil

Authority / Discretion

Definition

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
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<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>
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<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

Report Purpose

The purpose of this item is to determine the seating arrangement for the next two-year period commencing today.

Relevant Documents

Available for viewing at the meeting

Nil

Comment

That Council adopts the following methodology for determining seating positions in the Council Chamber.

- The Deputy President is to be seated at Front Left-hand Side of Council Chamber.
- All other seated positions to be filled in alphabetical order, from the Front Left-Hand Side.

Policy and Legislative Implications

Shire of Cocos (Keeling) Islands Meeting Procedures Local Law 2019 states the following:

7.1 Members to be in their proper places

(1) At Council meetings, members shall be seated in the order as determined by Council following each ordinary election, or until such time as there is a call by a majority of members for a re-allotment of positions.

(2) Each member is to occupy his or her allotted position at each Council meeting.

Financial Implications

There are no financial implications associated with this report.

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2022 -2032

Objective L1: To be involved, respectful and inclusive and to facilitate diversity and representation within the decision-making process.

Risk Implications

There are no risk implications associated with this report.

OFFICER RECOMMENDATION – ITEM NO - 11

THAT COUNCIL ADOPTS THE FOLLOWING METHODOLOGY FOR DETERMINING SEATING POSITIONS IN THE COUNCIL CHAMBERS;

- **DEPUTY PRESIDENT TO BE SEATED AT FRONT LEFT-HAND SIDE OF COUNCIL CHAMBERS;**
- **ALL OTHER SEATED POSITIONS TO BE FILLED IN ALPHABETICAL ORDER, FROM THE FRONT LEFT-HAND SIDE.**

10. CLOSURE