

Shire of Cocos (Keeling) Islands

AGENDA

Special Meeting of Council Wednesday, 22 October 2025

I hereby give notice that a Special Meeting of Council will be held on

Date: Wednesday, 22 October 2025

Time: 4:00pm

**Location: Council Chambers
Shire Administration
Building Lot 256 Jalan Bunga Melati
Home Island**

**David Tombs
Acting Chief Executive Officer**

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 2025

The report received from the Returning Officer for the Local Government Election 2025 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 Anthoney 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: 20 October 2025
Location: Cocos (Keeling) Islands
Applicant: Shire of Cocos (Keeling) Islands
File Ref:
Disclosure of Interest: Nil
Reporting Officer: Acting Chief Executive Officer
Island: Shire Wide
Attachments: 7.1 Nomination Form Shire President

AUTHORITY / DISCRETION

DEFINITION

☐	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
☒	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>
☐	Legislative	<i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>
☐	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>
☐	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 report is to provide the mechanism for Council to elect a Shire President.

RELEVANT DOCUMENTS

Available for viewing at the meeting

Nil

BACKGROUND

The election of the Shire President is the first matter to be addressed at the first meeting following an election. The election will be conducted by the Chief Executive Officer in accordance with the procedure outlined in the *Local Government Act 1995 (WA) (CKI)*. Nominations may be submitted in writing to the CEO before the meeting, during the meeting, or before the close of nominations.

COMMENT

Nominations submitted by a Councillor require the nominee's confirmation of willingness to accept the nomination before being accepted by the CEO. If multiple nominations are received, Councillors will vote by secret ballot. Each nominee will have a maximum of five minutes to address Council, speaking in alphabetical order.

The CEO will preside until the election and swearing-in of the Shire President, who will then preside over the remainder of the meeting.

POLICY AND LEGISLATIVE IMPLICATIONS

Schedule 2.3 of the *Local Government Act 1995 (WA) (CKI)* governs the procedures for electing Presidents and Deputy Presidents.

Under Section 2.29(2), an elected Mayor, President, Deputy Mayor, or Deputy President must make a prescribed declaration before assuming 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

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial/Fraud	Misuse of funds or improper payment related to election	Low	No direct financial transactions associated with election; all expenses

			follow standard Council procedures.
Reputation	Perceived lack of transparency or fairness	Medium	Conduct election openly, with secret ballot if more than one nominee; ensure nominees have equal opportunity to speak.
Compliance	Procedural error in nomination or voting process	Medium	CEO to follow Local Government Act 1995 (WA) (CKI) procedures; Returning Officer and scrutineer present.

Risk Matrix

Consequence / Likelihood	Insignificant (1)	Minor (2)	Medium (3)	Major (4)	Extreme (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Should the matter go to the ballot, the Chief Executive Officer is to be the Returning Officer and Manager Finance and Corporate Services is to be the scrutineer.

CONCLUSION

The election of the Shire President is a statutory requirement under *the Local Government Act 1995 (WA) (CKI)*. Following the prescribed procedures ensures the process is fair, transparent, and compliant, allowing the newly elected Shire President to assume their role and preside over Council meetings.

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 and assume the Chair.

9. ELECTION OF DEPUTY PRESIDENT

Report Information

Date: 20 October 2025
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: 9.1 Nomination Form Deputy President

AUTHORITY / DISCRETION

DEFINITION

☐	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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☐	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 report is to provide the mechanism for Council to elect a Deputy Shire President.

RELEVANT DOCUMENTS

Available for viewing at the meeting
Nil

BACKGROUND

The election of the Deputy Shire President is to be conducted by the Chief Executive Officer in accordance with the procedures outlined in *the Local Government Act 1995 (WA) (CKI)*. Nominations may be submitted in writing to the CEO before the meeting, during the meeting, or prior to the close of nominations.

COMMENT

Where a Councillor is nominated by another Councillor, the CEO can only accept the nomination if the nominee confirms their willingness to accept. If more than one nomination is received, Councillors will vote by secret ballot. Each nominee will be given up to five minutes to address Council, in alphabetical order.

POLICY AND LEGISLATIVE IMPLICATIONS

Schedule 2.3 of the *Local Government Act 1995 (WA) (CKI)* sets out the procedures for electing Presidents and Deputy Presidents.

Under Section 2.29(2), a person elected as Mayor, President, Deputy Mayor, or Deputy President must make a declaration in the prescribed form before performing their duties.

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

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial/Fraud	Misuse of funds or improper payment related to election	Low	No direct financial transactions associated with election; all expenses follow standard Council procedures.
Reputation	Perceived lack of transparency or fairness	Medium	Conduct election openly, with secret ballot if more than one

			nominee; ensure nominees have equal opportunity to speak.
Compliance	Procedural error in nomination or voting process	Medium	CEO to follow Local Government Act 1995 (WA) (CKI) procedures; Returning Officer and scrutineer present.

Risk Matrix

Consequence / Likelihood	Insignificant (1)	Minor (2)	Medium (3)	Major (4)	Extreme (5)
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Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Should the matter go to the ballot, the Chief Executive Officer is to be the Returning Officer and Manager Finance and Corporate Services is to be the scrutineer.

CONCLUSION

The election of the Deputy Shire President is a statutory requirement under the *Local Government Act 1995 (WA) (CKI)*. Adhering to the prescribed procedures ensures the process is fair, transparent, and compliant, enabling the elected Deputy Shire President to support the Shire President in fulfilling Council's leadership responsibilities.

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: 20 October 2025
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

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☐	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.

CONCLUSION

Determining seating arrangements provides clarity and consistency for Council meetings. The proposed methodology is simple, transparent, and in accordance with the Meeting Procedures Local Law 2019, ensuring all Councillors are seated fairly and appropriately.

10. CLOSURE