

Shire of Cocos (Keeling) Islands

Shire of Cocos (Keeling) Islands

Agenda

Special Meeting of Council

Monday 16 June 2025, 1:00 pm

**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**2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE****3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****4. 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.

5. PURPOSE OF THE SPECIAL MEETING

The purpose of the Special Meeting is to:

To approve the Position Description for the Chief Executive Officer (CEO) role—outlining the qualifications, selection criteria, and responsibilities—and to appoint an independent panel member and a recruitment consultant to assist the CEO Recruitment and Selection Committee, in accordance with *the Local Government Act 1995* and *the Local Government (Administration) Regulations 1996*, including the Shire of Cocos (Keeling) Islands Standards for CEO Recruitment, Performance and Termination.

6. LEAVE OF ABSENCE

The *Local Government Act 1995* (Section 2.25) provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. A member who is absent, without first obtaining leave of the Council, throughout three consecutive Ordinary meetings of the Council is disqualified from continuing his or her membership of the Council. Disqualification from membership of the Council for failure to attend Ordinary Meetings of the Council will be avoided so long as the Council grants leave prior to the member being absent. The leave cannot be granted retrospectively. An apology for non-attendance at a meeting is not an application for leave of absence.

6.1 LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Councillor	Date of Leave	Approved by Council
NIL		

6.2 APPLICATION FOR LEAVE OF ABSENCE**7. PETITIONS/DEPUTATIONS/PRESENTATIONS****8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING(S)****9. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS****10.DECLARATION OF INTERESTS**

Councillors are to complete a Disclosure of Interest Form for each item they are required to disclose an interest in. The Form should be given to the Presiding Member before the meeting commences. After the meeting, the Form is to be provided to the Governance and Risk Coordinator for inclusion in the Disclosures Register.

11. REPORT AND RECOMMENDATIONS OF COMMITTEE**11.1 CHIEF EXECUTIVE OFFICER**

11.1.1 FORMATION OF CEO RECRUITMENT PANEL

Report Information

Date: 12 June 2025
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Chief Executive Officer
 Island: Shire wide
 Attachments: 11.1.1.1 - CONFIDENTAL proposals received from recruitment consultants

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

This report seeks Council approval for the following:

1. The CEO Position Description, including the role's essential qualifications, competencies, and responsibilities.
2. The appointment of an independent panel member with relevant expertise to participate in the CEO Recruitment and Selection Committee.

3. The engagement of a suitably qualified and licensed recruitment consultant to provide professional recruitment services for the CEO position.

Relevant Documents

Confidential (circulated separately): Proposals received from shortlisted recruitment consultants.

Background

Council at its Special Meeting held on 30 May 2025 resolved the following:

1. *ESTABLISH A CEO RECRUITMENT AND SELECTION COMMITTEE COMPRISING:*
 - *THE SHIRE PRESIDENT (CHAIR);*
 - *THREE (3) ELECTED MEMBERS - CR YOUNG, CR I MINKOM AND CR LACY; AND*
 - *ONE (1) INDEPENDENT PERSON WITH EXPERIENCE IN RECRUITMENT, GOVERNANCE, OR LOCAL GOVERNMENT;*
2. *AUTHORISE THE CHIEF EXECUTIVE OFFICER TO INITIATE THE PROCUREMENT OF A SUITABLY QUALIFIED RECRUITMENT CONSULTANT TO ASSIST THE PANEL AND COUNCIL IN THE CEO RECRUITMENT PROCESS;*
3. *REQUEST THAT A FURTHER REPORT BE PRESENTED TO COUNCIL TO CONFIRM THE PROPOSED INDEPENDENT PANEL MEMBER AND THE RECOMMENDED RECRUITMENT CONSULTANT; AND*
4. *APPOINT THE MANAGER GOVERNANCE RISK AND PLANNING AS ACTING CHIEF EXECUTIVE OFFICER FOR THE SHIRE OF COCOS (KEELING) ISLANDS, FOR THE PERIOD COMMENCING 22 JUNE 2025 TO 22 SEPTEMBER 2025 AND MANAGER OF FINANCE AND CORPORATE SERVICES FOR THE PERIOD 22 SEPTEMBER 2025 TO 22 NOVEMBER 2025 UNTIL SUCH TIME AS THE RECRUITMENT, APPOINTMENT, AND COMMENCEMENT OF A NEW CHIEF EXECUTIVE OFFICER IS FINALISED.*

The recruitment process has since progressed to the stage requiring formal Council approval of the Position Description—an essential document that defines the role and ensures clarity in the recruitment criteria.

The proposed appointment of an independent panel member and engagement of a professional recruitment consultant are also critical governance measures that enhance impartiality, rigour, and legislative compliance in the recruitment process.

Comment

Due to the senior and strategic nature of the CEO role, it is considered best practice to engage an experienced, independent recruitment consultant—licensed under the *Employment Agents Act 1976 (WA)*—to oversee the recruitment process. This ensures compliance with statutory obligations and supports fairness and transparency.

Proposals from suitably qualified consultants have been received and are provided under confidential cover. Key responsibilities of the selected consultant will include:

- Drafting job advertisements and candidate information packs
- Conducting executive search activities
- Performing background checks and preliminary assessments
- Supporting interview preparation and candidate evaluation
- Coordinating interviews and conducting referee checks
- Preparing assessment reports and selection summaries
- Assisting with preparation of the employment contract

In parallel, appointment of an independent panel member will strengthen governance by:

- Providing oversight and accountability
- Supporting fair and objective candidate assessment
- Ensuring alignment with Council policies and relevant legislation

This appointment aligns with the *Shire of Cocos (Keeling) Islands Standards for CEO Recruitment, Performance and Termination* and demonstrates Council's commitment to a fair, transparent, and merit-based process.

Policy and Legislative Implications

- *Local Government Act 1995*, section 5.36 – “Local government employees”
- *Local Government (Administration) Regulations 1996*, Schedule 2 – “Shire of Cocos (Keeling) Islands Standards for CEO Recruitment, Performance and Termination”
- Any applicable Council policies or procedures relating to recruitment and selection

Financial Implications

The CEO recruitment process may incur expenditure for the following:

- Fees for an external recruitment consultant
- Advertising (online and print media)
- Travel and accommodation for shortlisted candidates
- Reference checking and background verification services

These costs are expected to be incorporated into the Shire's 2024/25 annual budget under the Governance or Administration cost centre.

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2016-2026:

Outcome 4.1 An informed Council leading working with others to advance our Islands.

4.1.1 To provide leadership to the community.

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Reputation	Reputational risk from perceived bias or lack of transparency	High (10)	Inclusion of independent panel member and external consultant
Service Interruption	Lack of lease agreement may disrupt an essential service.	Moderate (6)	Prioritizing resolution while following due process.
Compliance	Non-compliance with statutory requirements	Moderate (3)	Council endorsement of a compliant recruitment process and panel
Strategic	Poor candidate attraction or selection outcome	Moderate	Use of experienced recruitment consultant and well-defined criteria

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)

Voting Requirements

Simple majority.

Conclusion

Council's timely approval of the CEO Position Description, appointment of an independent panel member, and engagement of a licensed recruitment consultant are essential to ensure an efficient, transparent, and best-practice recruitment process. These actions will support the CEO Recruitment and Selection Committee to identify and recommend the most suitable candidate for the Shire's chief executive role.

OFFICER RECOMMENDATION – ITEM NO 12.1.1

THAT COUNCIL, BY SIMPLE MAJORITY, RESOLVES TO:

PART ONE:

PURSUANT TO *THE LOCAL GOVERNMENT (ADMINISTRATION) AMENDMENT REGULATIONS 2021*, APPROVE THE CEO POSITION DESCRIPTION (ATTACHMENT 1), WHICH OUTLINES THE QUALIFICATIONS, SELECTION CRITERIA, AND RESPONSIBILITIES OF THE POSITION.

PART TWO:

APPOINT _____ AS THE INDEPENDENT PANEL MEMBER TO THE CEO RECRUITMENT AND SELECTION COMMITTEE.

PART THREE:

PURSUANT TO SECTION 5.36 OF *THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI)*, APPOINT _____ BEING A SUITABLY QUALIFIED AND EXPERIENCED RECRUITMENT CONSULTANT LICENSED UNDER THE *EMPLOYMENT AGENTS ACT 1976 (WA)*, TO ASSIST THE CEO RECRUITMENT AND SELECTION COMMITTEE IN CONDUCTING THE RECRUITMENT AND SELECTION PROCESS FOR THE CHIEF EXECUTIVE OFFICER.

12.2 MANAGER FINANCE AND CORPORATE SERVICES

12.3 MANAGER INFRASTRUCTURE

13. MINUTES TO BE RECEIVED

14. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

15. MOTIONS WITHOUT NOTICE WITH LEAVE OF COUNCIL

16. MATTERS BEHIND CLOSED DOORS

17. MATTERS RELATING TO THE LAND TRUSTS



MATTERS RELATING TO THE LAND TRUST 1979 AND LAND TRUST 1984

The Australian Government transferred ownership of portions of land on the Cocos (Keeling) Islands, under two separate deeds, to the Territory's local government being the Cocos (Keeling) Islands Council. On 1 July 1992 the Territories Law Reform Act came into effect by which the Commonwealth Government applied Western Australian laws to the Cocos (Keeling) Islands. The Local Government (Transition) Ordinance 1992 established the Shire of the Cocos (Keeling) Islands by absorbing the Cocos (Keeling) Islands Council. By this arrangement, the body corporate called the Shire of Cocos (Keeling) Islands became the Trustee for both Land Trusts. Decisions relating to the Trust are made by Council as the decision-making arm of the body corporate.

The 1979 Deed: The 1979 Trust Deed applies to all of the land above the high-water mark on Home Island, except Lot 13, Lot 14 and Pulu Gangsa (Cemetery Island). The Deed states that the land is to be held 'upon trust for the benefit, advancement and wellbeing of the community formed by the Kampong residents.' No other terms were expressed in the Deed. 'Kampong residents' were described in the 1979 Trust Deed as 'the residents from time to time of the Kampong area'.

The 1984 Deed: The 1984 Trust Deed applies to all parcels of land situated and being above high-water mark within the Cocos (Keeling) Islands, including North Keeling Island, but not including parcels of land as described in the First Schedule of the 1984 Trust Deed. This transferred land was to be held by the Council (and later, by its successor, the Shire) 'upon trust for the benefit, advancement and wellbeing of the Cocos (Keeling) Islanders resident in the Territory on land owned by the Council.'

17.1 TRUSTS ADMINISTRATION**17.2 TRUSTS LEASE****17.3 TRUSTS FINANCE****18. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF
MEETING (LATE ITEM)****19. CLOSURE**