

Shire of Cocos (Keeling) Islands

Shire of Cocos (Keeling) Islands

Minutes

Special Meeting of Council

Wednesday 9 March 2022 12.30pm

**Community Resource Centre Meeting Room
and via Video Conferencing Platform**

Administration Building, West 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

The Presiding member declare the meeting opened at 12.30pm and welcome Councillors and staff to the meeting.

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Shire President: Cr A Minkom

Deputy President: Cr S Iku (via Zoom video link)

Councillors: Cr T Lacy
Cr H Liu (via Zoom video link)
Cr J Young (via Zoom video link)

Officers: Kelli Small, Chief Executive Officer (via Zoom video link)
I Macrae, Governance & Risk Coordinator

Public: Nil

Visitors: Nil

Apologies: Cr Ibram

Approved Leave of Absence: Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

In accordance with *Section 5.24(1) (a) of the Local Government Act 1995*, time is allocated for questions to be raised by members of the public, as follows:

(1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.

(2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in sub regulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

Pursuant to regulation 7(4) (a) of the Local Government (Administration) Regulations 1996, questions from the public must relate to a matter affecting the local government.

In accordance with Section 5.25 (1) (f) of the Local Government Act 1995 and the Local Government (Administration) Regulations 1996 regulation 11(e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question will be included in the minutes of the meeting.

Where a question is taken on notice at the meeting, a summary of the response to the question will be included in the agenda for the following Council meeting.

Nil

5. 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.

5.1 LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Councillor	Date of Leave	Approved by Council
NIL		

5.2 APPLICATION FOR LEAVE OF ABSENCE

Nil

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING(S)

Nil

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

Nil

9. 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.

Nil

10. REPORT AND RECOMMENDATIONS OF COMMITTEE

10.1 FINANCE

Nil

10.2 LEASES

Nil

10.3 PLANNING/BUILDING

Nil

10.4 ADMINISTRATION

10.4.1 CHIEF EXECUTIVE OFFICER RECRUITMENT – UPDATED JOB DESCRIPTION FORM (JDF)

Report Information

Date: 7 March 2022
 Location: N/A
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: N/A
 Attachments: 10.4.1.1 – Chief Executive Officer Job Description

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 presents an updated Job Description for the upcoming CEO Recruitment for consideration by Council.

Relevant Documents

Available for viewing at the meeting

Nil

Background

At the Ordinary Council Meeting held on 23 February 2022, Council commenced the recruitment process for the Chief Executive Officer position. The report considered at this meeting included appointment of the Recruitment and Selection Committee, including independent Committee Member, appointment of the Recruitment Consultant and approval of the Job Description, including selection criteria.

Comment

The Recruitment and Selection Committee met on 1 March 2022 to progress the recruitment process and have proposed some minor changes to the Job Description that was adopted on 23 February 2022. The Job Description for a CEO must be adopted by Absolute Majority of Council prior to commencing recruitment.

Policy and Legislative Implications

Under S5.36 of the *Local Government Act 1995 (WA)(CKI)* the Council is responsible for the employment of a person to be the CEO of the local government and the Standard for CEO Recruitment, Performance and Termination further detail the requirements of how that process should be undertaken.

Financial Implications

There are no direct financial implications associated with this report.

Strategic Implications

Key Result Area Four: *Civic Leadership*

Risk Implications

There are no direct risk implications associated with this report.

Voting Requirements

Absolute Majority

Conclusion

The updated job description including selection criteria is presented for Council consideration.

OFFICER RECOMMENDATION – ITEM NO 10.4.1

THAT COUNCIL, BY ABSOLUTE MAJORITY, PURSUANT TO THE *LOCAL GOVERNMENT (ADMINISTRATION) AMENDMENT REGULATIONS 2021*, APPROVES THE UPDATED CHIEF EXECUTIVE OFFICER JOB DESCRIPTION AS CONTAINED IN ATTACHMENT 10.4.1.1 WHICH OUTLINES THE QUALIFICATIONS, SELECTION CRITERIA AND RESPONSIBILITIES OF THE POSITION.

COUNCIL RESOLUTION - ITEM NO 10.4.1

MOVED CR LACY

SECONDED CR YOUNG

THAT COUNCIL, BY ABSOLUTE MAJORITY, PURSUANT TO THE LOCAL GOVERNMENT (ADMINISTRATION) AMENDMENT REGULATIONS 2021, APPROVES THE UPDATED CHIEF EXECUTIVE OFFICER JOB DESCRIPTION AS CONTAINED IN ATTACHMENT 10.4.1.1 WHICH OUTLINES THE QUALIFICATIONS, SELECTION CRITERIA AND RESPONSIBILITIES OF THE POSITION.

THE MOTION WAS PUT AND DECLARED CARRIED (5/0)

FOR: IKU, LACY, LIU, MINKOM, YOUNG

AGAINST: NIL

10.5 MINUTES TO BE RECEIVED

Nil

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

Nil

12. MOTIONS WITHOUT NOTICE WITH LEAVE OF COUNCIL

Nil

13. MATTERS BEHIND CLOSED DOORS

Nil

14. 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.'

