

Shire of Cocos (Keeling) Islands

Shire of Cocos (Keeling) Islands

Minutes

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.

TABLE OF CONTENTS

1	OPENING/ANNOUNCEMENTS OF VISITORS	3
2	ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	3
3	PUBLIC QUESTION TIME	3
4	REPORT OF THE RETURNING OFFICER – LOCAL GOVERNMENT ELECTION HELD ON 21 OCTOBER 2023	4
5	SWEARING IN OF NEWLY ELECTED COUNCILLORS	4
6	DECLARATIONS OF INTEREST BY MEMBERS AND SHIRE OFFICERS	4
7	ELECTION OF PRESIDENT	5
8	DECLARATION OF OFFICE BY NEWLY ELECTED PRESIDENT	7
9	ELECTION OF DEPUTY PRESIDENT	8
10	DECLARATION OF OFFICE BY NEWLY ELECTED DEPUTY PRESIDENT	10
11	SEATING ARRANGEMENTS FOR COUNCILLORS	11
12	CLOSURE	13

1. OPENING/ANNOUNCEMENTS OF VISITORS

As this is the first meeting of the newly elected Council the Chief Executive Officer declared the meeting opened 4:00 PM and chaired the meeting until the election of the president has been undertaken.

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Elected Councillors

Councillor Aindil Minkom

Councillor Tony Lacy

Councillor-elect Mohammad Isa Minkom

Councillor-elect Osman Sloan

Councillor-elect Signa Knight

Officers

Frank Mills, Chief Executive Officer

Vikki Lauritsen, Manager Finance and Corporate Services

Ibrahim Macrae, Manager Governance Risk and Planning

Guests

Mr Haji Adam Anthoney, Justice of the Peace

Public Gallery

5

Apologies

Councillor Ayesha Young

Councillor-elect Azah Badlu

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 was 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*.

Chief Executive Officer introduced Mr Haji Adam Anthony JP to conduct the swearing in of newly Elected Members including the Declarations pursuant to S.2.29 of the *Local Government Act 1995*.

Newly Elected Councillors was called in the following order:

Cr Mohammad Isa Minkom took the declaration and was declared into office as a Councillor for a four-year term (expiring 16 October 2027).

Cr Osman Sloan took the declaration and was declared into office as a Councillor for a four-year term (expiring 16 October 2027).

Cr Signa Knight took the declaration and was declared into office as a Councillor for a two-year term (expiring October 2025).

6. DECLARATIONS OF INTEREST BY MEMBERS AND SHIRE OFFICERS

Nil

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.

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.

1. THE CHIEF EXECUTIVE OFFICER ANNOUNCED THE FOLLOWING CANDIDATES FOR THE POSITION OF SHIRE PRESIDENT.

**CR KNIGHT NOMINATED CR LACY. CR LACY DECLINED
CR MOHD I MINKOM NOMINATED CR A MINKOM. CR A MINKOM ACCEPTED**

2. THE CHIEF EXECUTIVE OFFICER ASKED IF THERE WERE FURTHER NOMINATIONS FROM THE FLOOR AND THERE WERE NONE. THEREFORE, THE CHIEF EXECUTIVE OFFICER CLOSED NOMINATIONS.

3. THE CHIEF EXECUTIVE OFFICER ANNOUNCED THAT CR A MINKOM WAS ELECTED BY COUNCIL TO BE SHIRE PRESIDENT FOR THE ENSUING TWO-YEARS.

8. DECLARATION OF OFFICE BY NEWLY ELECTED PRESIDENT

The Shire President-elect made 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.

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.

1. THE CHIEF EXECUTIVE OFFICER ANNOUNCED THE FOLLOWING CANDIDATES FOR THE POSITION OF DEPUTY SHIRE PRESIDENT.

**CR KNIGHT NOMINATED CR I MINKOM. CR MOHD I MINKOM ACCEPTED
CR SLOAN NOMINATED CR LACY. CR LACY ACCEPTED**

2. THE CHIEF EXECUTIVE OFFICER ASKED IF THERE WERE FURTHER NOMINATIONS FROM THE FLOOR AND THERE WERE NONE. THEREFORE, THE CHIEF EXECUTIVE OFFICER CLOSED NOMINATIONS.

3. IN ACCORDANCE WITH SCHEDULE 2.3 OF THE LOCAL GOVERNMENT ACT 1995, BALLOT PAPERS WERE PREPARED.

4. A BALLOT BOX WERE MADE AVAILABLE TO COUNCILLORS. THE CHIEF EXECUTIVE OFFICER CONDUCTED A SECRET BALLOT AND THE RESULTS WERE AS FOLLOWS;

CANDIDATES	NUMBER OF VOTES RECEIVED
MOHAMMAD ISA MINKOM	4
TONY LACY	1

5. THE CHIEF EXECUTIVE OFFICER ANNOUNCES THAT CR MOHD I MINKOM WAS ELECTED BY COUNCIL TO BE DEPUTY SHIRE PRESIDENT FOR THE ENSUING TWO-YEARS.

10. DECLARATION OF OFFICE BY NEWLY ELECTED DEPUTY PRESIDENT

The Deputy President-elect made a declaration before a JP in the prescribed form before taking office.

The Presiding member assumed his role as the chair.

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"/>	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.

COUNCIL RESOLUTION – ITEM NO 11**MOVED CR MOHD I MINKOM****SECONDED CR SLOAN****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.**

THE MOTION WAS PUT AND DECLARED CARRIED (5/0)**FOR:** LACY, MINKOM, MINKOM, SLOAN, SIGNA**AGAINST:** NIL**10. CLOSURE**

The Presiding member declared the meeting closed at 4:41 PM.

These minutes were confirmed at a meeting on

SIGNED this

day of

2023

as a true record of proceedings.

PRESIDING MEMBER