

Shire of Cocos (Keeling) Islands

Shire of Cocos (Keeling) Islands

Agenda

Special Meeting of Council

Friday 30 May 2025, 2:00 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:

Form a CEO Recruitment Panel and appoint panel members to oversee the recruitment and selection process for the position of Chief Executive Officer, in accordance with the requirements of Schedule 2 of the *Local Government (Administration) Regulations 1996 – Model Standards for CEO Recruitment, Performance and Termination*, as adopted by the Shire of Cocos (Keeling) Islands; and

Appoint an Acting Chief Executive Officer for the Shire of Cocos (Keeling) Islands, for the period commencing 22 June 2025 and continuing until such time as the recruitment, appointment, and commencement of a new Chief Executive Officer is finalised.

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: 29 May 2025
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Chief Executive Officer
 Island: Shire wide

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 report is to seek Council's formal endorsement for the establishment of a CEO Recruitment Panel to oversee the recruitment and selection process for the Chief Executive Officer position. The report also seeks authorisation to engage an external recruitment consultant to assist with the process, and to present a further report for Council's consideration regarding the appointment of an independent panel member. In addition, the report recommends that Council appoint an Acting Chief Executive Officer, effective from 22

June 2025 until the recruitment, appointment, and commencement of a new Chief Executive Officer is concluded.

Relevant Documents

Confidential – Circulated under separate cover

Nil

Background

The current Chief Executive Officer, Mr Frank Mills, has formally advised of his intention to resign, with effect from 22 June 2025. As such, the Shire must commence a recruitment process to appoint a suitably qualified candidate to the position.

At its Ordinary Council Meeting in July 2021, Council resolved to adopt the *Shire of Cocos (Keeling) Islands Standards for CEO Recruitment, Performance and Termination*, in accordance with Schedule 2 of the *Local Government (Administration) Regulations 1996*.

Clause 8(1) of the Model Standards stipulates that a local government must, before commencing a recruitment process, approve the process to be used and appoint a selection panel to conduct the recruitment and selection process. Clause 8(3) further requires that such decisions must be made by an absolute majority of the Council.

Comment

It is proposed that a CEO Recruitment Panel be established to guide and oversee the recruitment process in a structured and transparent manner. The responsibilities of the panel will include:

- Endorsing the position description and selection criteria in consultation with Council;
- Overseeing the advertising process and reviewing submitted applications;
- Shortlisting suitable candidates;
- Conducting interviews and reference checks;
- Recommending a preferred candidate to Council for appointment.

Proposed Panel Composition:

- Shire President (Chair)
- Two (2) Elected Members (to be nominated at this meeting)
- One (1) independent person with demonstrated experience in senior recruitment, governance, or local government

It is also recommended that the Shire engage a suitably qualified external recruitment consultant to assist the panel and Council in delivering a high-quality and compliant recruitment process.

A subsequent report will be presented to Council for endorsement of both the nominated independent panel member and the selected recruitment consultant.

Policy and Legislative Implications

- *Local Government Act 1995*, section 5.36 – “Local government employees”
- *Local Government (Administration) Regulations 1996*, Schedule 2 – “Model 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

Absolute majority.

Conclusion

The recruitment of a new Chief Executive Officer is a matter of strategic significance and requires a well-planned, transparent, and legislatively compliant process. The establishment of a CEO Recruitment Panel with a balanced composition of Council representatives and an independent member, supported by an experienced recruitment consultant, will promote integrity and objectivity in the selection process.

Council's endorsement of the proposed recruitment framework and the appointment of an Acting Chief Executive Officer will ensure a seamless leadership transition and continuity of operations for the Shire.

OFFICER RECOMMENDATION – ITEM NO 12.1.1

THAT COUNCIL, BY ABSOLUTE MAJORITY, RESOLVES TO:

- 1. ESTABLISH A CEO RECRUITMENT PANEL COMPRISING:**
 - **THE SHIRE PRESIDENT (CHAIR);**
 - **TWO (2) ELECTED MEMBERS (TO BE NOMINATED AT THIS MEETING); 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 AN ACTING CHIEF EXECUTIVE OFFICER FOR THE SHIRE OF COCOS (KEELING) ISLANDS, FOR THE PERIOD COMMENCING 22 JUNE 2025, TO CONTINUE UNTIL SUCH TIME AS THE RECRUITMENT, APPOINTMENT, AND COMMENCEMENT OF A NEW CHIEF EXECUTIVE OFFICER IS FINALISED.**

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**