

# TERRITORY OF COCOS (KEELING) ISLANDS

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## **Local Government Act 1995 (W.A.) (C.K.I.) (Amendment) Ordinance 1996**

**No. 3 of 1996**

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia,  
acting with the advice of the Federal Executive Council, make the  
following Ordinance under the *Cocos (Keeling) Islands Act 1955*.

Dated 17 July 1996.

WILLIAM DEANE  
Governor-General

By His Excellency's Command,

WARWICK SMITH  
Minister for Sport, Territories and Local Government

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An Ordinance to amend the *Local Government Act 1995*  
(W.A.) (C.K.I.)

### **1. Short title**

1.1 This Ordinance may be cited as the *Local Government Act 1995*  
(W.A.) (C.K.I.) *Amendment Ordinance 1996*.<sup>1</sup>

### **2. Commencement**

2.1 This Ordinance is taken to have commenced on 1 July 1996.

### **3. Amendment**

3.1 The *Local Government Act 1995 (W.A.) (C.K.I.)* is amended as set out in this Ordinance.

### **4. Section 2.26 (Election to council terminates employment with local government)**

4.1 Omit the section, substitute:

#### **Election to council terminates certain employment with Shire**

“**2.26. (1)** This section applies to a person who holds any of the following offices of, or positions in, the Shire of Cocos (Keeling) Islands:

- (a) CEO;
- (b) deputy (if any) of the CEO;
- (c) senior employee (within the meaning of section 5.37) (if any);
- (d) shire clerk;
- (e) shire engineer;
- (f) town planner;
- (g) building surveyor;
- (h) treasurer.

“(2) If a person to whom this section applies is elected as a member of the Cocos (Keeling) Islands Council, then, by operation of this section, that person’s employment by the Shire of Cocos (Keeling) Islands ends when the person begins his or her term of office as a member.

“(3) For the purposes of this section, a person is taken to hold an office or position mentioned in paragraph (1) (d), (e), (f), (g) or (h) if:

- (a) the person holds an office or position in the Shire of the Cocos (Keeling) Islands; and

- (b) the person's functions in that office or position include functions that are generally regarded as appropriate to be performed by a person holding an office or position known by the title set out in the paragraph.”.

**5. Section 2.32 (How extraordinary vacancies occur in offices elected by electors)**

5.1 Paragraph 2.32 (e):

Omit the paragraph, substitute:

“(e) becomes a person to whom section 2.26 applies; or”.

**6. Section 4.29 (Eligibility of residents to be enrolled)**

6.1 Omit the section, substitute:

**Eligibility of residents to be enrolled**

“**4.29.** A person is eligible to be enrolled to vote at elections for the district of the Cocos (Keeling) Islands if the person is enrolled, or is qualified for enrolment, in respect of the District constituted by the Territory under subsection 79 (2) of the *Commonwealth Electoral Act 1918*.”.

**7. Section 4.30 (Eligibility of non-resident owners and occupiers to be enrolled)**

7.1 Omit the section, substitute:

**Eligibility of non-resident owners and occupiers to be enrolled**

“**4.30.** A person is eligible to be enrolled to vote at elections for the district of the Cocos (Keeling) Islands if the person:

- (a) is enrolled, or is qualified for enrolment, under the *Commonwealth Electoral Act 1918*, otherwise than in respect of the District constituted by the Territory under subsection 79 (2) of that Act; and

- (b) owns or occupies rateable property within the Territory;  
and
- (c) has made, under subsection 4.32, an electoral eligibility claim:
  - (i) that has been accepted; and
  - (ii) that has not ceased, under section 4.33, to have effect.”.

[Note: The Note following subsection 4.39 (3) is omitted and the following Note substituted:

“[Note: For those steps, *see* section 4.29 (in relation to eligibility based on being resident in the Territory) or 4.30 and 4.32 (in relation to eligibility based on being an owner or occupier of rateable land in the Territory.)”.]

## **8. New section 4.71A**

8.1 After section 4.71, insert in Stage 5 of Division 9 of Part 4:

### **Forms may include translations, etc.**

“**4.71A.** A ballot paper or other form may include a translation into, or a summary in, a language other than English of its contents.”.

## **9. Schedule 9.3 (Transitional provisions)**

### **9.1 Clause 1 (Interpretation)**

Definition of “former provisions”:

Omit the definition, substitute:

“**“former provisions”** means:

- (a) the *Local Government Act 1960 (W.A.) (C.K.I.)*; and
- (b) the *Local Government (Transition) Ordinance 1992*;

as in force immediately before the commencement day;”.

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### **NOTE**

1. Notified in the *Commonwealth of Australia Gazette* on 24 July 1996.