

AGENDA

TORRES STRAIT ISLAND REGIONAL COUNCIL

February 2022

Tuesday 15th February 2022, 10:30am – 5:00pm

Wednesday 16th February 2022, 9:00am – 3:00pm

Video Conference

COUNCIL ORDINARY MEETING

Tuesday 15th February 2022

Agenda Items:

- | | | |
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| 1. | <u>10:30am – 10:40am</u> | <u>Welcome and Opening Remarks</u> |
| 2. | <u>10:40am – 10:50pm</u> | <u>Apologies</u> |
| 3. | <u>10:50am – 11:00am</u> | <u>Declaration of Conflict of Interest (COI) (Prescribed and Declarable)</u> |
| 4. | <u>11:00am – 11:05am</u> | <u>Confirmation of Previous Council Ordinary Meeting Minutes</u> <ul style="list-style-type: none">• 18th and 19th January 2022 |
| 5. | <u>11:05am – 11:15am</u> | <u>Confirmation of Previous SARG Committee Minutes</u> <ul style="list-style-type: none">• 11th January 2022• 1st February 2022 |
| 6. | <u>11:15am – 11:20am</u> | <u>Confirmation of Previous Economic Growth Committee Minutes</u> <ul style="list-style-type: none">• 27th January 2022 |
| 7. | <u>11:25am – 11:30am</u> | <u>Confirmation of Previous Housing and Safe and Healthy Communities Committee Minutes</u> <ul style="list-style-type: none">• 3rd February 2022 |
| 8. | <u>11:30am – 11:45am</u> | <u>Outstanding Council Ordinary Meeting Action Items</u> |
| 9. | <u>11:45am – 12:00pm</u> | <u>Standing Agenda Items:</u> <ul style="list-style-type: none">• Executive Director, Communities and Building Services - Housing Authority (verbal) |

LUNCH 12:00pm – 1:00pm

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|-----|------------------------|---|
| 10. | <u>1:00pm – 1:30pm</u> | <u>BUILDING – Demolition of Housing</u> |
| 11. | <u>1:30pm – 2:00pm</u> | <u>BUILDING – Delegations - Late</u> |
| 12. | <u>2:00pm – 2:30pm</u> | <u>CORPORATE – Funding Acquisition Report</u> |
| 13. | <u>2:30pm – 2:50pm</u> | <u>CORPORATE – Community Grant Program – February 2022</u> |
| 14. | <u>2:50pm – 3:10pm</u> | <u>CORPORATE – Change of March OM meeting place</u> |

AFTERNOON TEA 3:10pm – 3:30pm

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| 15. | <u>3:30pm – 3:50pm</u> | <u>ENGINEERING – Award Tender No. TSIRC 2021-354 Top Western Islands DRFA Works</u> |
| 16. | <u>3:20pm – 4:10pm</u> | <u>LEGAL – Development application: subdivision of Masig Lot 15 SP277431 – proposed Lots 215 & 216 on SP331535</u> |
| 17. | <u>4:10pm – 4:30pm</u> | <u>LEGAL – Development application: subdivision of Masig Lot 30 SP277431</u> |
| 18. | <u>4:30pm – 4:50pm</u> | <u>LEGAL – Privacy Policy update</u> |
| 19. | <u>4:50pm – 5:00pm</u> | <u>Closing Remarks and Prayer</u> |

COUNCIL ORDINARY MEETING
Wednesday 16th February 2022
Agenda Items:

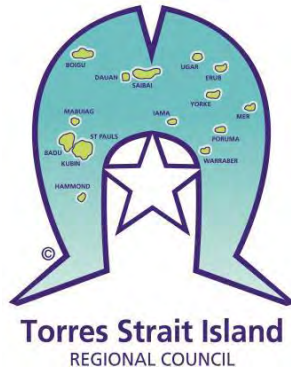
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| 20. | <u>9:00am – 9:05am</u> | <u>Welcome and opening prayer.</u> |
| 21. | <u>9:05am – 9:05am</u> | <u>COUNCIL MOVES INTO CLOSED BUSINESS</u> |
| 22. | <u>9:05am – 10:00am</u> | <u>BUILDING – CB – BSU Update - Late</u> |

MORNING TEA 10:00am – 10:20am

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| 23. | <u>10:20am – 10:50am</u> | <u>BUILDING – CB – Contractual Matter – Lot 141(58) Lowatta Street
Yorke</u> |
| 24. | <u>10:50am – 11:20am</u> | <u>CORPORATE – CB – COVID Response</u> |
| 25. | <u>11:20am – 11:50am</u> | <u>ENGINEERING – CB – Waste Metal Project – Contractual Matter – Late</u> |
| 26. | <u>11:50am – 12:30pm</u> | <u>FINANCE – Financial Dashboard Report – January 2022</u> |

LUNCH 12:30pm – 1:30pm

- | | | |
|-----|------------------------|--|
| 27. | <u>1:30pm – 2:00pm</u> | <u>LEGAL – CB – Complaint OIA ref C/21/00634: alleged councillor
inappropriate conduct</u> |
| 28. | <u>2:00pm – 2:00pm</u> | <u>COUNCIL MOVES OUT OF CLOSED BUSINESS AND RESUMES IN
OPEN BUSINESS</u> |
| 29. | <u>2:00pm – 2:15pm</u> | <u>Business Arising from Information Reports</u> |
| 30. | <u>2:15pm – 2:20pm</u> | <u>Next Council Meeting Date – 22nd and 23rd March 2022 – Warraber</u> |
| 31. | <u>2:20pm – 2:50pm</u> | <u>Strategic Matters</u> |
| 32. | <u>2:55pm – 3:00pm</u> | <u>Closing Remarks and Prayer</u> |



DRAFT MINUTES

TORRES STRAIT ISLAND REGIONAL COUNCIL

January 2022

Tuesday 18th January 2022, 11:40am – 5:00pm

Wednesday 19th January 2022, 9:00am – 12:00pm

Video Conference

COUNCIL ORDINARY MEETING
Tuesday 18th January 2022

PRESENT

Cr Phillemon Mosby, Mayor
Cr Dimas Toby, Division 1 – Boigu
Cr Torenzo Elisala, Division 2 – Dauan
Cr Conwell Tabuai, Division 3 – Saibai
Cr Keith Fell, Division 4 – Mabuiag
Cr Laurie Nona, Division 5 – Badu
Cr Lama Trinkoon, Division 6 – Kubin (Arkai), Mua Island
Cr John Levi, Division 7 – Wug (St Pauls), Mua Island
Cr Seriako Dorante, Division 8 – Kirriri (Hammond)
Cr Getano Lui Jnr, Division 9 – Iama (Yam)
Cr Kabay Tamu, Division 10 – Warraber (Sue)
Cr Francis Pearson, Division 11 – Poruma (Coconut)
Cr Rocky Stephen, Division 13 – Ugar (Stephen)
Cr Jimmy Gela, Division 14 – Erub (Darnley)
Cr Aven Noah, Division 15 – Mer (Murray)

STAFF:

Mr David Baldwin, Acting Chief Executive Officer (ACEO)
Ms Megan Barrett, Executive Director, Corporate Services (EDCS)
Mr Dawson Sailor, Acting Executive Director, Building and Community Services (AEDBCS)
Mr Adeah Kabai, Acting Executive Director, Engineering Services (EDES)
Ms Nicola Daniels, Acting Executive Director, Financial Services (EDFS)
Mr Peter Krebs, Manager Legal Services (MLS)
Mrs Ursula Nai, Senior Executive Assistant to the Chief Executive Officer (SEA)
Mr Jacob Matysek, Executive Assistant to the Mayor (EA)
Ms May Mosby, Acting Secretariat Officer (ASO)

APOLOGIES

COUNCIL ORDINARY MEETING
Tuesday 18th January 2022

1. **1:21pm – 1:28pm** **Welcome and Opening Remarks**

Mayor Mosby welcomed Councillors and Staff for Council's first Ordinary Meeting for 2022 and provided an update on the recent COVID19 cases on Division 1, Boigu and Division 2, Dauan today. Mayor Mosby reported one (1) case on Boigu and two (2) cases on Dauan.

1:21pm – Cr Keith Fell left the meeting.

1:25pm – Cr Kabay Tamu joined the meeting.

1:29pm – Cr Dimas Toby left the meeting to dial in from home.

1:29pm – Mr Adeah Kabai, Acting Executive Director, Engineering Services joined the meeting.

1:30pm – Cr Laurie Nona joined the meeting.

2. **1:28pm – 12:00pm** **Apologies**

Nil apologies

3. **1:28pm – 1:30pm** **Declaration of Conflict of Interest (COI) (Prescribed and Declarable)**

No declarations were made by Councillors. Mayor Mosby encouraged Councillors and staff to make a declaration at any time during the meeting.

4. **1:30pm – 1:33pm** **Confirmation of Previous Council Ordinary Meeting Minutes**

- 7th December 2021

RESOLUTION:

Moved: Cr Laurie Nona; Second: Cr Jimmy Gela

That Council resolves to accept the minutes of the Ordinary Meeting held on 7th December 2021, to be a true and accurate account of that meeting.

MOTION CARRIED UNANIMOUS

- 8th December 2021

RESOLUTION:

Moved: Cr Aven Noah; Second: Cr Kabay Tamu

That Council resolves to accept the minutes of the Ordinary Meeting held on 8th December 2021, to be a true and accurate account of that meeting.

MOTION CARRIED UNANIMOUS

5. **1:33pm – 1:34pm** **Confirmation of Previous SARG Committee Minutes**

- 3rd December 2021

RESOLUTION:

Moved: Cr Laurie Nona; Second: Cr Francis Pearson

That Council resolves to accept the minutes of the Strategic Advisory Reference Group (SARG) Meeting held on 3rd December 2021, to be a true and accurate account of that meeting.

MOTION CARRIED UNANIMOUS

1:35pm – Cr Keith Fell re-joined the meeting.

6. **1:34pm – 1:38pm** **Confirmation of Previous Culture, Arts, Land and Heritage Minutes**

- 1st December 2021

Cr Aven Noah spoke on behalf of the Culture, Arts, Land and Heritage Committee and advised that the visit entry portal is still a work in progress of development and apologised for the confusion. Cr Aven Noah also informed the meeting that the TSIRC Branding has now changed to Corporate Identity and the island language is “Wun Mak”.

ACTION: Secretariat to liaise with the Governance and Leadership Committee Chair to provide an update on the TSI Flag to the next Culture, Arts, Land and Heritage committee meeting.

RESOLUTION:

Moved: Cr Aven Noah; Second: Cr Laurie Nona

That Council resolves to accept the minutes of the Culture, Arts, Land and Heritage Meeting held on 1st December 2021, to be a true and accurate account of that meeting.

MOTION CARRIED UNANIMOUS

7. **1:38pm – 1:39pm** **Confirmation of Previous Economic Growth Committee Minutes**

- 22nd December 2021

Cr Rocky Stephen thanked the Economic Growth Committee Members and staff for the progress of the Indigenous Procurement Policy.

RESOLUTION:

Moved: Cr Rocky Stephen; Second: Cr Conwell Tabuai

That Council resolves to accept the minutes of the Economic Growth Meeting held on 22nd December 2021, to be a true and accurate account of that meeting.

MOTION CARRIED UNANIMOUS

8. **1:39pm – 1:58pm** **Outstanding Council Ordinary Meeting Action Items**

1:40pm – Cr Dimas Toby re-joined the meeting

Mr David Baldwin, acting Chief Executive Officer provided Council with an update on the outstanding items listed on the register from 7th and 8th December 2021.

9. **1:58pm – 2:00pm** **Standing Agenda Items:**

- Executive Director, Communities and Building Services - Housing Authority (verbal)
-

Mr Dawson Sailor, acting Executive Director, Building and Community Services spoke to this report and provided a verbal update.

10. **2:00pm – 2:09pm** **CORPORATE – Funding Acquisition Report**

Ms Megan Barrett, Executive Director, Corporate Services spoke to this report and provided a brief update.

RESOLUTION:

Moved: Cr Lama Trinkoon; Second: Cr Francis Pearson

That Council resolves to note this report and its content.

MOTION CARRIED UNANIMOUS

2:00pm - Cr Torenzo Elisala left the meeting due to medical reason.

11. **2:09pm – 2:17pm** **CORPORATE – Policy Matter – Council Corporate Identity Guidelines**

Ms Megan Barrett, Executive Director, Corporate Services spoke to this report and advised of the change of the branding name to Corporate Identity to ensure it is culturally accurate and to Government Publishing Standards. The paper was presented to the Culture, Arts, Land and Heritage Committee for input prior to coming to Council.

Cr Aven Noah commended Cr Torenzo Elisala and Cr Laurie Nona for their inputs in ensuring we have the consistency in the documentation of ilan custom. Changed from branding to our language name of “Wun mak”. Cr Aven Noah also acknowledged Ms Megan Barrett, Executive Director, Corporate Services in taking this to another level of corporate identity.

RESOLUTION

Moved: Cr Aven Noah; Second: Cr Francis Pearson

That Council endorse “Wan Mak” – Council’s Corporate Identity guideline, and delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* the power to make any further minor administrative amendments to the Corporate Identity as they arise.

MOTION CARRIED UNANIMOUS

12. **2:17pm – 2:32pm** **CORPORATE – Operational Plan 2021-22 Q2 Update**

Ms Megan Barrett, Executive Director, Corporate Services spoke to this report on the Operational Structure and how each Department are progressing.

RESOLUTION

Moved: Cr Aven Noah; Second: Cr Laurie Nona

Council resolves to note the Operational Plan 2021-22 Quarter 2 Update.

MOTION CARRIED UNANIMOUS

13. **2:32pm – 2:32pm** **COUNCIL MOVES INTO CLOSED BUSINESS**

RESOLUTION:

Moved: Cr Kabay Tamu; Second: Cr Hilda Mosby

That in accordance with Section 254J of the *Local Government Regulation 2012* (Qld) it is resolved for the meeting to go into closed business to discuss matters of the following nature:

(c) local government budget.

(g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

MOTION CARRIED UNANIMOUS

- BUILDING - BSU Monthly Update
- FINANCE – Financial Dashboard Report – December 2021

14. **3:09pm – 3:09pm**

COUNCIL MOVES OUT OF CLOSED BUSINESS AND RESUMES IN OPEN BUSINESS

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr Jimmy Gela

That Council resolves to move out of closed business and resume in open business.

MOTION CARRIED UNANIMOUS

Resolutions following closed business

3:09pm – 3:10pm

BUILDING – BSU Monthly Update

RESOLUTION:

Moved: Cr Jimmy Gela; Second: Cr Francis Pearson

Council resolves to note the information on this report.

MOTION CARRIED UNANIMOUS

3:10pm – 3:12pm

FINANCE – Financial Dashboard Report – December 2021

Ms Hollie Faithfull, Executive Director, Financial Services spoke to this report.

RESOLUTION:

Moved: Cr Aven Noah; Second: Cr Keith Fell

That Council receive and endorse the monthly financial statements attached to the officer's report for the 2021-22 year to date, for the period ended 31 December 2021, as required under Section 204 *Local Government Regulation 2012*.

MOTION CARRIED UNANIMOUS

15. **3:12pm – 3:13pm**

Closing Remarks and Prayer

Mayor Mosby acknowledged and thanked Councillors and Staff for their time and contributions at the first Council Ordinary Meeting for 2022 and asked Cr Francis Pearson to close the meeting in prayer.

MEETING CLOSED AT 3:13PM

COUNCIL ORDINARY MEETING
Wednesday 19th January 2022

PRESENT

Cr Phillemon Mosby, Mayor
Cr Dimas Toby, Division 1 – Boigu
Cr Torenzo Elisala, Division 2 – Dauan
Cr Conwell Tabuai, Division 3 – Saibai
Cr Keith Fell, Division 4 – Mabuiag
Cr Lama Trinkoon, Division 6 – Kubin (Arkai), Mua Island
Cr John Levi, Division 7 – Wug (St Pauls), Mua Island
Cr Seriako Dorante, Division 8 – Kirriri (Hammond)
Cr Getano Lui Jnr, Division 9 – Iama (Yam)
Cr Kabay Tamu, Division 10 – Warraber (Sue)
Cr Francis Pearson, Division 11 – Poruma (Coconut)
Cr Rocky Stephen, Division 13 – Ugar (Stephen)
Cr Jimmy Gela, Division 14 – Erub (Darnley)
Cr Aven Noah, Division 15 – Mer (Murray)

STAFF:

Mr David Baldwin, Acting Chief Executive Officer (ACEO)
Ms Megan Barrett, Executive Director, Corporate Services (EDCS)
Mr Dawson Sailor, Acting Executive Director, Building and Community Services (AEDBCS)
Mr Adeah Kabai, Acting Executive Director, Engineering Services (EDES)
Ms Nicola Daniels, Acting Executive Director, Financial Services (EDFS)
Mr Peter Krebs, Manager Legal Services (MLS)
Mrs Ursula Nai, Senior Executive Assistant (SEA)
Mr Jacob Matysek, Executive Assistant to the Mayor (EA)
Ms May Mosby, Acting Secretariat Officer (ASO)

APOLOGIES

Cr Laurie Nona, Division 5 - Badu

COUNCIL ORDINARY MEETING
Wednesday 19th January 2022

16. **9:17am – 9:17am** **Welcome and opening prayer**

Mayor Mosby welcomed Councillors and Staff and acknowledged and paid respects to:

- Our Heavenly Father for his awesome wisdom, knowledge and Understanding
- Traditional Owners on the land we meet on and across the length and breadth of Zenadth Kes
- All Elders past, present and emerging
- Leadership of Councillors and Executive Staff

Mayor Mosby invited Cr John Levi to open the meeting in prayer.

09:17am – Ms Danielle Turner from Preston Law joined the meeting.

17. **9:17am – 9:17am** **COUNCIL MOVES INTO CLOSED BUSINESS**

RESOLUTION:

Moved: Cr Kabay Tamu; Second: Cr Rocky Stephen

That in accordance with Section 254J of the Local Government Regulation 2012 (Qld) it is resolved for the meeting to go into closed business to discuss matters of the following nature:

- (a) The appointment, discipline or dismissal of the chief executive officer.**
- (c) local government budget.**
- (e) legal advice obtained by the local government or legal proceedings involving the local government.**
- (g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.**

MOTION CARRIED UNANIMOUS

- MAYOR – CB – Appointment of Chief Executive Officer - Late

18. **10:30am – 10:30am** **COUNCIL MOVES OUT OF CLOSED BUSINESS AND RESUMES IIN OPEN BUSINESS**

RESOLUTION:

Moved: Cr Jimmy Gela; Second: Cr Keith Fell

That Council resolves to move out of closed business and resume in open business.

MOTION CARRIED UNANIMOUS

19. **10:30am – 10:46am** **LEGAL – CB – Appointment of acting CEO – Late**

10:30am – Ms Danielle Turner left the meeting.

Mayor Mosby noted for minute taking purposes all staff were requested and left the meeting at 09:21am and re-joined the meeting at 10:30am. Ms Danielle Turner from Preston Law assisted in presenting this paper.

Mr Peter Krebs, Manager Legal Services read the resolution.

RESOLUTION:

Moved: Cr Torenzo Elisala; Second: Cr Francis Pearson

That under Section 195 of the Local Government Act 2009, Council appoints Hollie Faithfull Executive Director, Financial Services to perform the Chief Executive Officer's responsibilities from Monday 24th January 2022 until up to Monday 7th March 2022 or concluding at an earlier date should a new permanent Chief Executive Officer assume duties on a full-time basis.

MOTION CARRIED UNANIMOUS

10:42am - Cr Conwell Tabuai joined the meeting.

20. **10:46am – 10:54am** **CORPORATE – Change of Meeting Location – Late**

Ms Megan Barrett, Executive Director, Corporate Services spoke to this report.

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr Aven Noah

Council resolves to relocate the February Ordinary Meeting of Council from a face-to-face meeting on Masig to a meeting conducted via videoconference.

MOTION CARRIED UNANIMOUS

21. **10:54am – 11:20am** **Business Arising from Information Reports**

Cr Aven Noah acknowledged and thanked Staff for their contributions with the Information Reports.

Cr Aven Noah advised the building on Mer which was ear marked for COVID isolation house will now be used for staff accommodation.

Cr Keith Fell raised the issue of staff on ground using their own vehicle due to fuel issues in division.

Cr Getano Lui raised the possibility of upskilling of staff as per People & Wellbeing's report and Ms Megan Barrett, Executive Director, Corporate Services discussed the recent elections of Health and Safety Reps in the Divisions including a 5 day training course that was provided last year for 1 reps from each Division. The program received positive feedbacks.

Mr Peter Krebs, Manager Legal Services requested through the Chair that Councillors accept the apology of Cr Laurie Nona, Division 5 Badu due to sorry business.

- Cr Laurie Nona – Division 5 – Badu

RESOLUTION:

Moved: Cr Conwell Tabuai, Second: Cr Torenzo Elisala

That Council accept the apology of Cr Laurie Nona for Day 2 of the January 2022 Ordinary Meeting.

MOTION CARRIED UNANIMOUS

Mayor Mosby advised Councillors that he needed to leave the meeting and requested Deputy Mayor Cr Getano Lui take over as chair. Deputy Mayor accepted the role of Chair of the Ordinary Meeting.

11:13am – Mayor Mosby left the meeting.

Cr Seriako Dorante raised the question of a COVID response plan for his community as the CDMG meeting from 2021 has not been scheduled to date. He asked to be provided with a COVID plan so he could hold a COVID information session to bring his community up to date.

ACTION: Acting Executive Director, Building and Community Services to provide Cr Seriako Dorante a copy of the COVID19 response plan for Hammond Island.

22. **11:20am – 11:21am** **Next Council Meeting Date – 15th and 16th February 2022**

Deputy Mayor Cr Getano Lui confirmed the February meeting will be held via Video Conference as agreed in earlier resolution.

23. **11:21am – 12:00pm** **Strategic Matters**

Cr Aven Noah and Cr Kabay Tamu requested an update on the venue for the March Ordinary Meeting as preparations are currently underway. Mayor Mosby advised a decision will be made closer to the date due to COVID-19 in our region.

Cr Francis Pearson requested information from last meeting regarding quotes for kit homes so they could be used for isolation purposes.

ACTION: Acting Executive Director, Building and Community Services to follow up with the Head of Building Services for information and quotations on kit homes in our region and provide this information to Cr Francis Pearson.

Cr Conwell Tabuai requested an update on the fuel facility for Saibai Island

ACTION: Acting Executive Director, Engineering Services to have offline conversation with Cr Conwell Tabuai regarding the delay.

Cr Torenzo Elisala raised concerns about ash particles in the air following the recent volcanic eruption in Tonga going into water tanks. Mr Adeah Kabai, Acting Executive Director, Engineering Services advised he has not received any information in relation to this.

Cr Seriako Dorante and Cr Jimmy Gela have requested to be provided with a copy of TSIRC's Top 5 Community Priorities for their individual divisions.

ACTION: Executive Director Corporate Services to email TSIRC's Top 5 Community Priorities for Kirriri to Cr Seriako Dorante and for Erub to Cr Jimmy Gela.

Cr Dimas Toby requested a brief update on the progress of the Boigu Seawall.

ACTION: Acting Executive Director, Engineering Services to have an offline meeting with Cr Dimas Toby to provide an update on the progress of the Boigu Seawall.

Cr Aven Noah requested information on a previous raised action item on an outboard Mechanic.

ACTION: Acting Executive Director, Engineering Services to have an offline conversation with Cr Aven Noah on the Outboard Mechanic request.

11:52am - Mayor Mosby re-joined the meeting and resumed the role of Chair.

Cr Getano Lui raised the possibility of the incoming Chief Executive Officer visiting all the communities to meet and greet with staff and provide clear direction and best method of communication to communities.

24. **12:00pm – 12:00pm** **Closing Remarks and Prayer**

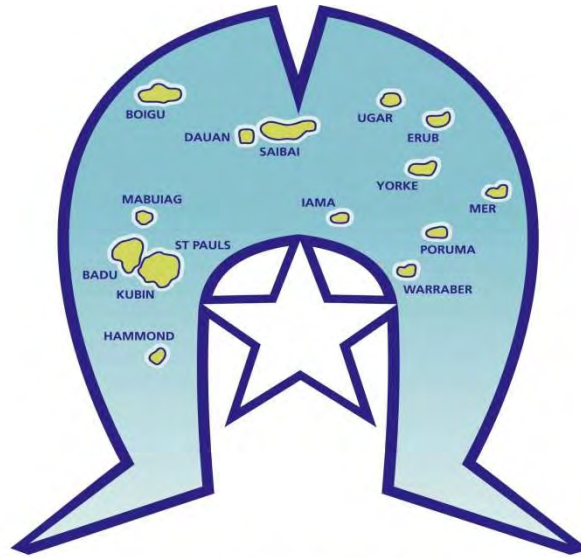
Mayor Mosby thanked Councillors and Staff for their contributions and acknowledged and thanked Mr David Baldwin, Acting Chief Executive Officer for his commitment and dedication during his appointment as Acting Chief Executive Officer.

Mayor Mosby invited Cr Keith Fell to close in prayer,

MEETING CLOSED AT 12:00PM

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Ms Hollie Faithfull
Acting Chief Executive Officer
Torres Strait Island Regional Council
Date:

.....,
Mayor Phillemon Mosby
Mayor
Torres Strait Island Regional Council
Date:



Torres Strait Island
REGIONAL COUNCIL

DRAFT MINUTES

STRATEGIC ADVISORY REFERENCE GROUP

Date: Tuesday 11th January 2022

Time: 1:00pm to 4:00pm

Venue: Video Conference

PRESENT:

Cr Phillemon Mosby, Mayor – Poruma
Cr Getano Lui – Iama
Cr Keith Fell – Mabuiag
Cr Rocky Stephen – Ugar

STAFF:

Mr David Baldwin, Acting Chief Executive Officer
Mr Dawson Sailor, Acting Executive Director Community and Building Services
Ms Megan Barrett, Executive Director Corporate Services
Mr Adeah Kabai, Executive Director Engineering Services
Mr Peter Krebs, Manager Legal Services
Ms Nicola Daniels, Acting Executive Director Financial Services
Mrs Ursula Nai – Senior Executive Assistant to Mayor and CEO
Ms May Mosby – Secretariat Officer

APOLOGY:

Cr Aven Noah – Mer

1. **Welcome (Chair)**

Mayor Phillemon Mosby welcomed everyone to the meeting and acknowledged and paid respects to:

- Our Heavenly Father for his awesome knowledge wisdom and understanding upon the Operational Arm of Council and the people of the region.
- Traditional owners across the length and breath of Kenadth Kes.
- Elders, past, present and emerging.

2. **Opening Prayer**

Mayor Phillemon Mosby invited Cr Keith Fell to open the meeting in prayer at 1:15pm

3. **Apologies**

- Cr Aven Noah – Division 15 – Mer

RESOLUTION:

Moved: Cr Rocky Stephen, Second: Cr Keith Fell

That the Strategic Advisory Reference Group Committee accepts the apology of Cr Aven Noah for his absence at this meeting.

MOTION CARRIED UNANIMOUS

Mayor Phillemon Mosby advised Cr Hilda Mosby was not feeling well and would dial in from home. This was noted by the Committee.

4. **Conflict of Interest (COI) / Declarable / Prescribed**

No declarations made. Mayor Mosby encouraged Councillors to make a declaration at any time.

5. Noting of Ratified Minutes - SARG Meeting –

- 3rd December 2021 – VC – to be ratified at January 2022 OM

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr Rocky Stephen

That the minutes for the SARG meeting held on 3rd December 2021 be adopted as a true and accurate account of the meeting.

MOTION CARRIED UNANIMOUS

6. **Strategic Action Items Review**

Mr David Baldwin, Acting Chief Executive Officer gave an update on the three strategic action items:

1. Comparison of grant funding – currently in progress
2. Include Ilan Custom in amended policy – completed
3. Procurement Policy – currently in progress

1:15pm - Mayor Phillemon Mosby asked Senior Executive Assistant Mrs Ursula Nai to contact Ms Danielle Turner from Preston Law to dial in to the meeting.

Mayor Phillemon Mosby acknowledged and thanked Mr Dawson Sailor, Acting Executive Director Community and Building Services in his capacity as Acting Chief Executive Officer during the Christmas/New Year break whilst Acting Chief Executive Officer, Mr David Baldwin was away on leave. In particular, the COVID outbreak in the Torres Strait, taking up the challenge and maintaining business as usual.

Mayor Phillemon Mosby also thanked Mr David Baldwin, Acting Chief Executive Officer for providing support behind the scenes to Mr Dawson Sailor and stated this would provide more opportunities for our employees to have this level of exposure in senior executive roles.

7. SARG COMMITTEE MOVE INTO CLOSED BUSINESS

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr Rocky Stephen

That in accordance with section 254J of the Local Government Regulation 2012 (Qld) it is resolved for the meeting to go into closed session to discuss matters of the following nature:

- (a) the appointment, discipline or dismissal of the chief executive officer.**
- (f) matters that may directly affect the health and safety of an individual or group of individuals;**
- (g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.**

MOTION CARRIED UNANIMOUS

- MAYOR - CEO Recruitment Update – Verbal
- EDCBS - BSU Update – **Late**
- EDES – TSIRC Fuel Improvement Program Status Update Report

EXECUTIVE DIRECTOR COMMUNITY AND BUILDING SERVICES - BSU Update

Mr Dawson Sailor, Acting Executive Director Community and Building Services provided an update.

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr Rocky Stephen

That the Strategic Advisory Reference Group Committee resolves to note the information on this report and submission to Council Ordinary Meeting.

MOTION CARRIED UNANIMOUS

EXECUTIVE DIRECTOR ENGINEERING SERVICES – TSIRC Fuel Improvement Program Status Update Report

Mr Adeah Kabai, Acting Executive Director Engineering Services provided an update in relation to TSIRC's Fuel Improvement Program and upgrade projects.

RESOLUTION:

Moved: Cr Rocky Stephen; Second: Mayor Phillemon Mosby

That the Strategic Advisory Reference Group (SARG) notes the report.

MOTION CARRIED UNANIMOUS

2:00pm - Staff asked to leave the meeting

2:00 – Ms Daniel Turner from Preston Law joined the meeting

3:07pm – Ms Daniel Turner from Preston Law left the meeting

3:07pm - Staff re-joined the meeting

COMMITTEE MOVED OUT OF CLOSED BUSINESS AND RESUME IN OPEN BUSINESS

RESOLUTION:

Moved: Cr , Second: Cr.

That the Strategic Advisory Reference Group Committee move out of closed business and resume in open business.

MOTION CARRIED UNANIMOUS

8. Mayor

1. SARG and Executive Directors Leadership Retreat 2022 – Verbal

Mayor Phillemon Mosby provided an update on the Leadership Retreat and advised that due to the COVID outbreak a decision has been made to put the Leadership Retreat on hold until further notice.

9. Acting Chief Executive Officer

1. February Ordinary Meeting Location – Verbal

Mr David Baldwin, Acting Chief Executive Officer spoke on this topic as to whether it is appropriate to travel to the Torres Strait for the February meeting due to the COVID surge and to reconsider postponing travel until we receive clarity of COVID. It was decided that the February meeting proceed by way of Video Conference.

10. Executive Director Corporate Services

1. Business Continuity Plan Update

Ms Megan Barrett, Executive Director Corporate Services spoke to this report. Ms Megan Barrett advised the committee that the BCP team met twice over Christmas regarding the COVID19 pandemic and to prepare and respond to the effects on the workplace. Ms Megan Barrett stated she was not aware of anyone having difficulties working from home.

The Safety & Wellbeing Team are coordinating efforts to have more PPE to send out to Divisions and will invest in purchasing the Rapid Antigen Test. The BCP team will meet again later in the week and every week to ensure that when the wave peaks in the region, that TSIRC can provide essential services to our constituents.

RESOLUTION:

Moved: **Second:** *(NOTE: No resolution passed)*

That the Strategic Advisory Reference Group note the information contained in this report.

2. Deputation Update

Ms Megan Barrett, Executive Director Corporate Services spoke to this report and also invited Mr David Baldwin, Acting Chief Executive Officer to provide an update.

RESOLUTION:

Moved: Cr Getano Lui; Second: Cr Rocky Stephen

That the Strategic Advisory Reference Group (SARG) resolves to note the update since the Deputations visit to Brisbane in November/December 2021.

MOTION CARRIED UNANIMOUS

3. **Strait Talk**

Ms Megan Barrett, Executive Director Corporate Services spoke to this report. Strait Talk has not been published since 2017 and Council will now reintroduce this publication. It is proposed the first version will be released in February 2022 and every quarter after that.

Cr Getano Lui asked about a digital monitor screen for the offices.

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr Getano Lui

That the Strategic Advisory Reference Group (SARG) notes the update regarding *Strait Talk*.

MOTION CARRIED UNANIMOUS

4. **Alcohol and Drug Management in the Workplace**

Ms Megan Barrett, Executive Director Corporate Services spoke to this report and advised that this report was presented at the SARG December meeting and was left lying on the table. Looking for guidance through SARG as further investigations needs to take place into the Alcohol and Drug testings. It was agreed that a revised policy, with costing of tests, should be presented to SARG for consideration.

ACTION ITEM: That the revised policy come back to SARG once drafted.

3:30pm - Mr Dawson Sailor, Acting Executive Director, Community and Building Services left the meeting.

11. **Executive Director, Engineering Services**

1. **Community Disaster Management Group Update – Late**

Mr Adeah Kabai, Acting Executive Director Engineering Services provided an update on the current COVID19 situation in our region and advised we are currently in Tier 4-5. TSIRC has been working closely with Torres Strait Local Disaster Management Group, the Cairns District Management Group and Torres & Cape Hospital and Health Service.

Ms Eunice Hosea, Local Community Disaster Coordinator will coordinate a response plan with Divisional Managers and Divisional Engineering Officers on ground.

2. **COVID-19 Update – Late**

RESOLUTION:

Moved: Cr Rocky Stephen; Second: Cr Keith Fell

That the Strategic Advisory Reference Group (SARG) notes this report.

MOTION CARRIED UNANIMOUS

12. **General/ Other Business (on notice)**

QR Codes – Cr Getano Lui

Cr Getano Lui raised the issue of QR Codes being installed.

Mr Adeah Kabai, Acting Executive Director Engineering Services advised that all Divisions should have QR codes put up on seaports, airports and in community centres such as the Council office and other organisations such as IBIS, School and Health Centre. Exception only for Water Treatment Plants which are restricted to the public.

COVID – Entry into community – Cr Getano Lui

Comms to be sent out to divisions regarding visitor entries.

Mr David Baldwin, Acting Chief Executive Officer to speak to Cr Getano Lui after the meeting.

Online Entry Permit situation – Cr Stephen

Mayor Phillemon Mosby to discuss with Mr Adeah Kabai, Acting Executive Director Engineering Services to share thoughts and look at issues

13. Next meeting date – Tuesday 1st February 2022 | 1pm – 4pm

14. Closing Remarks and Prayer

Mayor Phillemon Mosby thanked and acknowledged Councillors and staff for their leadership and support given the current global COVID outbreak.

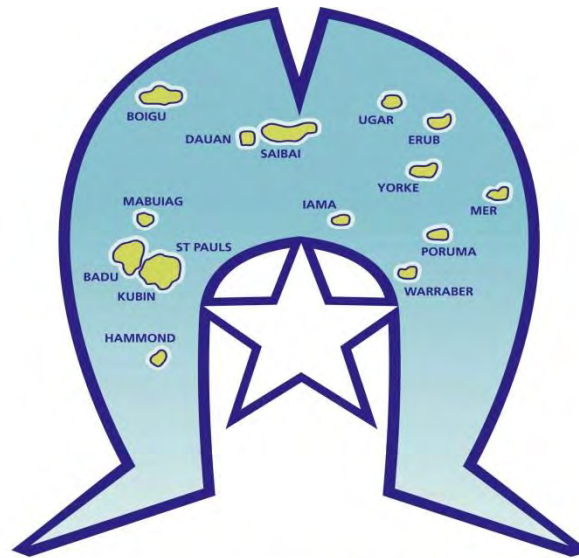
Before the meeting closed, Mr David Baldwin, Acting Chief Executive Officer informed the Committee that it was confirmed by Mr Dawson Sailor, Acting Executive Director Community and Building Services of one (1) outbreak of COVID19 on Warraber today and that the person is currently in isolation.

Mayor Phillemon Mosby invited Cr Getano Lui to close the meeting in prayer.

MEETING CLOSED - 4:33PM

.....
Mr David Baldwin
Acting Chief Executive Officer
Torres Strait Island Regional Council
Date:

.....
Cr Phillemon Mosby
Mayor
Torres Strait Island Regional Council
Date:



Torres Strait Island
REGIONAL COUNCIL

DRAFT MINUTES

STRATEGIC ADVISORY REFERENCE GROUP

Date: Tuesday 1st February 2022

Time: 1:00pm to 4:00pm

Venue: Video Conference

PRESENT:

Cr Phillemon Mosby, Mayor – Poruma
Cr Getano Lui – Deputy Mayor - Iama
Cr Keith Fell – Mabuiag
Cr Rocky Stephen – Ugar
Cr Hilda Mosby – Masig

STAFF:

Ms Hollie Faithfull, Acting Chief Executive Officer
Mr David Baldwin, Executive Director, Engineering Services
Mr Dawson Sailor, Acting Executive Director Building and Community Services
Ms Megan Barrett, Executive Director Corporate Services
Ms Nicola Daniels, Acting Executive Director Financial Services
Mr Peter Krebs, Manager Legal Services
Mr Jacob Matysek – Executive Assistant to the Mayor
Ms May Mosby – Secretariat Officer

APOLOGIES:

Cr Aven Noah – Mer
Mrs Ursula Nai – Senior Executive Assistant to the CEO

1. **Welcome (Chair)**

Mayor Phillemon Mosby completed a roll call and welcomed everyone to the meeting. Mayor Mosby invited Deputy Mayor, Cr Getano Lui to open the meeting in prayer.

Mayor Mosby asked Deputy Mayor Cr Getano Lui to take over as chair due to sorry business in community of Poruma. Deputy Mayor accepted the role of Chair of the SARG Meeting.

Deputy Mayor, Cr Getano Lui gave condolences on behalf of the Committee to the families in sorry business.

1:15pm – Mayor Mosby left the meeting.

2. **Opening Prayer**

Deputy Mayor, Cr Getano Lui opened the meeting in prayer at 1:16pm.

3. **Apology**

- Cr Aven Noah – Division 15 – Mer

RESOLUTION:

Moved: Cr Rocky Stephen; Second: Cr Keith Fell

That the Strategic Advisory Reference Group Committee accepts the apology of Cr Aven Noah for his absence at this meeting.

MOTION CARRIED UNANIMOUS

Cr Rocky Stephen advised the Committee that Cr Hilda Mosby will be dialling in at 1:30pm.

4. **Conflict of Interest (COI) / Declarable / Prescribed**

No declarations made. Deputy Mayor, Cr Getano Lui encouraged Councillors to make a declaration at any time.

5. **Noting of Ratified Minutes - SARG Meeting**

- 11th January 2022 – VC – to be ratified at February 2022 OM

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr Rocky Stephen

That the Minutes for the SARG meeting held on 11th January 2022 be adopted as a true and correct account of the meeting.

MOTION CARRIED UNANIMOUS

6. Strategic Action Items

Ms Hollie Faithfull, Acting Chief Executive Officer spoke to this agenda topic and updated the Committee on the outstanding action item.

ACTION: Executive Director, Corporate Services to present the Alcohol and Drug Management in the Workplace policy which was left laying on the table at the January SARG meeting to the March SARG meeting.

7. Acting Chief Executive Officer

1. Council Business Impacts – COVID Response

Ms Hollie Faithfull, Acting Chief Executive Officer spoke to this late report.

Ms Hollie Faithfull discussed the impacts COVID-19 is having on the operations of Council and duty of care to manage the well being of staff in Divisions and Cairns office.

Deputy Mayor, Cr Getano Lui asked whether Council could be provided with a snapshot of the COVID situation in the Divisional Offices and Cairns Office and possibly provide monthly feedback to Council.

Ms Hollie Faithfull advised that she will work with Ms Megan Barrett, Executive Director, Corporate Services to come up with a standardised document to release.

ACTION: Acting Chief Executive Officer and Executive Director, Corporate Services to provide Councillors monthly feedback to council in relation COVID-19 impacts on staffing in the Divisional Officers and Cairns Office.

RESOLUTION:

Moved: Cr Rocky Stephen; Second: Cr Keith Fell

That the Strategic Advisory Reference Group (SARG) notes the information contained in this report.

MOTION CARRIED UNANIMOUS

Deputy Mayor, Cr Getano Lui acknowledged Ms Hollie Faithfull and thanked her for taking over the role of Acting Chief Executive Officer.

1:32pm – Cr Hilda Mosby joined the meeting.

8. Executive Director Corporate Services

1. RAP Status Report

Ms Megan Barrett, Executive Director, Corporate Services spoke to the report and provided an update on the Reconciliation Action Plan (RAP).

RESOLUTION:

Moved: Cr Rocky Stephen; Second: Cr Hilda Mosby

That the Strategic Advisory Reference Group (SARG) notes the update regarding the TSIRC Reconciliation Action Plan (RAP).

MOTION CARRIED UNANIMOUS

2. Satellite Network Upgrade – Verbal

Ms Megan Barrett, Executive Director, Corporate Services provided a verbal update on this agenda topic. This matter was raised and discussed in the Economic Growth Committee Meeting on the 27th January 2022.

This topic was also discussed during the November workshop 2021 and Council was advised that there needs to be a budget allocated to cover costs to changes to our Telstra services.

Telstra advised that copper services will be discontinued in the Torres Strait region in August 2022. Telephone services within some divisional officers and other stakeholders will cease to operate. Ms Megan Barrett advised that conversations are still continuing with Telstra and Minister Enoch.

Cr Rocky Stephen advised SARG members that this matter has the full support of the Economic Growth Committee, and that the Committee will monitor this agenda topic closely.

ACTION: Executive Director, Corporate Services to provide an update on the Satellite Network to the next SARG meeting and provide a full report to the next Economic Growth Committee meeting.

9. Acting Executive Director, Building & Community Services

Mr Dawson Sailor, Acting Executive Director, Building and Community Services provided a verbal update on the following topics:

1. **Master Planning Project Status** – Verbal
2. **Regional Housing Plan** – Verbal
3. **Housing Building Authority Status** – Verbal

10. Acting Executive Director, Financial Services

Ms Nicola Daniels, Acting Executive Director, Financial Services provided a verbal update on the following topics:

1. **Indigenous Procurement Policy**
This policy was presented at the Economic Growth meeting last week.
2. **Councillor Remuneration** – Verbal

In depth discussions were held on the timings of Councillors wage's and sitting fees. Concerns were raised from Councillors regarding issues with timings of payments. Councillors have requested consistency on the timing of payments so that wages and sitting fees are paid at the same time and on time before close of business.

2:49pm - 3:00pm – Afternoon Tea

11. SARG COMMITTEE MOVED INTO CLOSED BUSINESS

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr Hilda Mosby

That in accordance with section 254J of the *Local Government Regulation 2012* (Qld) it is resolved for the meeting to go into closed session to discuss matters of the following nature:

- (f) matters that may directly affect the health and safety of an individual or group of individuals;**
- (g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.**

MOTION CARRIED UNANIMOUS

- EDES – TSIRC Fuel Improvement Program Status Update Report – **late**
- EDES - Waste Metal Project – Contractual Matter – verbal update
- EDBCS – BSU Update – **late**
- EDCS – Torres Strait Flag – verbal update

COMMITTEE MOVED OUT OF CLOSED BUSINESS AND RESUME IN OPEN BUSINESS

RESOLUTION:

Moved: Cr Hilda Mosby; Second: Cr Keith Fell

That the Strategic Advisory Reference Group Committee move out of closed business and resume in open business.

MOTION CARRIED UNANIMOUS

11.3 BSU | Monthly Update – **Late**

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr Hilda Mosby

SARG resolves to note the information on this report and submission to Council Ordinary Meeting.

MOTION CARRIED UNANIMOUS

11.1 ENGINEERING | TSIRC Fuel Improvement Program Status Update Report – Late

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr Rocky Stephen

That the Strategic Advisory Reference Group (SARG) notes the report.

MOTION CARRIED UNANIMOUS

12. General/ Other Business (on notice)

Seaswift Barge:

Cr Rocky Stephen raised the concern of Seaswift delivery drivers walking around not wearing a face mask while unloading at Ugar. Safety measures are not complied with or maintained, and Cr Rocky Stephen requested these concerns should be reported to Seaswift management.

Deputy Mayor, Cr Getano Lui also raised concerns with Contractors coming into community without submitting a Visitor's Request form or contacting the Divisional Manager beforehand. Deputy Mayor also raised a question of COVID assistance payment and whether outer island communities are eligible to access financial assistance. Cr Getano Lui was advised there is certain criteria that the person must meet and if they meet the criteria, they will be eligible to apply.

13. Next meeting date – Tuesday 1st March 2022 | 1pm – 4pm

SARG members note the date for the next meeting.

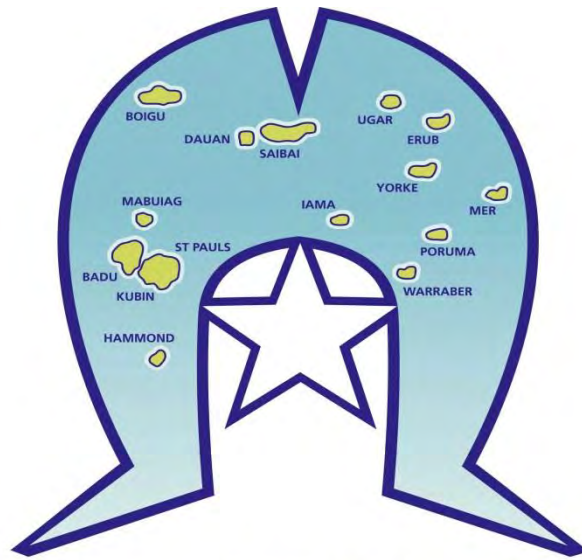
14. Closing Remarks and Prayer

Cr Keith Fell closed the meeting in prayer.

MEETING CLOSED – 4:41PM

.....
Ms Hollie Faithfull
Acting Chief Executive Officer
Torres Strait Island Regional Council
Date:

.....
Cr Phillemon Mosby
Mayor
Torres Strait Island Regional Council
Date:



Torres Strait Island
REGIONAL COUNCIL

Draft Minutes

ECONOMIC GROWTH COMMITTEE

Date: 27th January 2022
Time: 10:00am to 12:00pm
Venue: Video Conference

PRESENT:

Cr Rocky Stephen – Chair - Ugar (Stephen)
Cr Jimmy Gela – Committee Member - Erub (Darnley)
Cr Conwell Tabuai – Committee Member - Saibai
Ms Nicola Daniels, Acting Executive Director Financial Services
Ms May Mosby, Secretariat Officer

APOLOGIES:

Mr Peter Krebs – Manager Legal Services

1. Welcome (Chair)

Cr Rocky Stephen, welcomed Councillors and Staff to the meeting for making themselves available. Cr Rocky Stephen acknowledged and paid respects to:

- Papa God for his awesome blessings and guidance especially in this time of COVID-19 in community;
- Traditional Owners of ples and where Cr Conwell Tabuai and Cr Jimmy Gela resides and also Cairns;
- Elders, past, present and emerging;
- Ms Nicola Daniels, Acting Executive Director, Financial Services;

2. Opening Prayer

Cr Rocky Stephen invited Cr Conwell Tabuai to open the meeting in prayer open at 10:14am.

One minute's silence was observed for sorry business of an Elder on Erub. The Committee passes on their condolences to the family and community of Erub.

3. Apologies

- Mr Peter Krebs – Manager Legal Services

4. Conflict of Interest (COI) / Declarable / Prescribed

No declarations made. Cr Rocky Stephen, Chair, encouraged Councillors to make a declaration at any time.

5. Noting of previous Ratified Minutes – Economic Growth

- 22nd December 2021 – VC – Ratified at January 2022 Ordinary Meeting

RESOLUTION:

Move: Cr Conwell Tabuai; Second: Cr Jimmy Gela

That the Committee notes the Minutes of the meeting held on 22nd December 2021 as true and accurate account of that meeting.

MOTION CARRIED UNANIMOUS

6. Action Items List

Ms Nicola Daniels, Acting Executive Director, Financial Services provided the Committee with an update from December 2021 committee meeting.

7. Enterprise Development Strategy – Verbal

Ms Nicola Daniels, Acting Executive Director, Financial Services provided an update on behalf of Ms Megan Barrett, Executive Director, Corporate Services.

Discussions took place on consultations in the communities given the deadline of 30th June and to consider other options due to COVID-19 and restrictions with travel.

Cr Conwell Tabuai suggested that a fact sheet be distributed to households.

Cr Rocky Stephen suggested a special meeting be scheduled around consultations and seek an extension on the funding agreement.

Matter to lay on the table pending a Special Meeting in March and take the paper to April SARG meeting before going to full Council Ordinary Meeting in June.

Cr Rocky Stephen to work with Ms Megan Barrett, Executive Director, Corporate Services and Ms Nicola Daniels, Executive Director, Financial Services on a consultation process and around putting a fact sheet together.

ACTION: Cr Rocky Stephen, Chair of the Economic Growth Committee and acting Executive Director, Financial Services to meet offline and plan a consultation process and development of a fact sheet in relation to the Enterprise Development Strategy.

ACTION: Cr Rocky Stephen, Chair of the Economic Growth Committee Chair, the Committee Members and divisional staff distribute the fact sheet once approved to all household in each community.

ACTION: Secretariat Officer to liaise with Cr Rocky Stephen, Chair of the Economic Growth Committee and acting Executive Director, Financial Services to call a special meeting in March 2022.

8. Indigenous Procurement Policy – Late

Ms Nicola Daniels, acting Executive Director, Financial Services advised Mr David Lennie, Manager Strategic Sourcing Manager will present this report.

11:08am – Mr David Lennie, Strategic Sourcing Manager joined the meeting and spoke to the report.

In depth discussions were had with regards to the procurement framework and how it would benefit local indigenous businesses having equitable access to procurement opportunities.

This topic will be a verbal update at SARG due to limited time and Executives need to review the report. It was proposed the Indigenous Procurement Policy be added as an Agenda items to the March SARG and be presented at the March Ordinary Council Meeting.

ACTION: The acting Executive Director, Financial Services to present the Indigenous Procurement Policy to the March SARG Meeting and then to full Council Meeting for endorsement.

11:50am – Mr David Lennie, Strategic Sourcing Manager, left the meeting.

RESOLUTION:

Move: Cr Jimmy Gela; Second: Cr Conwell Tabuai

That the Committee accept the final draft version of the Indigenous Procurement Policy and tabled at next the SARG Meeting.

MOTION CARRIED UNANIMOUS

9. Ugar and Dauan Sea and Air Access Business Plan – Verbal

Ms Nicola Daniels, Acting Executive Director, Financial Services provided an update on this agenda topic.

Ms Nicola Daniels advised that this matter sits under Ms Megan Barrett, Executive Director, Corporate Services and that a business plan has not yet commenced.

ACTION: Acting Executive Director, Financial Services to request an update on the Ugar and Dauan Sea and Air Access Business Plan from the Executive Director, Corporate Services and provide this update via email to the Committee Members.

10. Enterprise Risk Management – Verbal

Ms Nicola Daniels, Acting Executive Director, Financial Services advised that Mr Warren Jenkins, Manager Information Technology Services will join the meeting to present to the Committee a power point presentation on insufficient IT/Data capability to maintain required bandwidth in the TS region by Telstra.

12:01pm – Mr Warren Jenkins, Manager Information Technology Services joined the meeting.

Mr Warren Jenkins, Manager Information Technology Services explained TSIRC's Network and Internet Connectivity. He stated that there will very limited bandwidth for connectivity due to the infrastructure in place by Telstra which will affect services in the region and that TSIRC will need to move forward quickly to improve the networks and that Satellite network upgrade is the option to move forward.

Cr Rocky Stephen thanked Mr Warren Jenkins for bringing this to the Committee's attention and the importance and urgency around this.

This topic will be a verbal update at February's SARG meeting with further action items out of the meeting.

ACTION: Secretariat Officer to add IT/Data capability to the February SARG meeting agenda.

ACTION: Acting Executive Director, Financial Services to provide a verbal update on the IT/Data capability to the February SARG meeting.

RESOLUTION:

Move: Cr Conwell Tabuai; Second: Cr Jimmy Gela

That the option of Satellite will be less cost effective and to be discussed at the next SARG Meeting.

MOTION CARRIED UNANIMOUS

12:57pm – Mr Warren Jenkins, Manager Information Technology Services left the meeting.

11. Outboard Motor Mechanical Service – Verbal

Ms Nicola Daniels, Acting Executive Director, Financial Services gave a verbal update on behalf of Mr Adeah Kabai, Manager Capital Works.

The Matter to lay on the table pending further information from TSRA.

Cr Rocky Stephen asked that the matter be left as an agenda item for the Committee to look into further for a business case to secure funding from TSRA.

ACTION ITEM: Executive Director, Financial Services to seek information from TSRA for funding for a Business Case on Outboard Motor Mechanic services within the Torres Strait Region.

12. General/ Other Business (on notice)

National Economic Forum – Travel

ACTION: Acting Executive Director, Financial Services to seek further information on the Forum and confirm if it's still going ahead in March and whether attendance in person is required or could it be via VC due to COVID. Acting Executive Director, Financial Services to liaise with Travel Officer regarding travel bookings if travel is proceeding.

13. Next meeting date – Thursday 28th April 2022 | 10am – 12pm

Committee confirmed the next meeting date is scheduled for Thursday, 28th April 2022| 10am – 12pm.

14. Closing Prayer

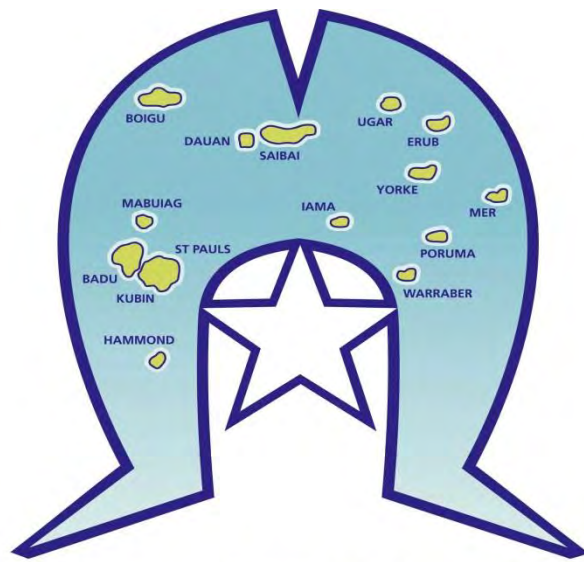
Cr Rocky Stephen thanked the two committee members and staff for their time and contributions. Special mention to Ms Nicola Daniels, Acting Executive Director, Financial Services in her acting capacity whilst Ms Hollie Faithfull is Acting Chief Executive Officer in that the Committee will provide support to her as well.

Cr Rocky Stephen closed the meeting in prayer.

MEETING CLOSED – 1:06PM

.....
Ms Hollie Faithfull
Acting Chief Executive Officer
Torres Strait Island Regional Council
Date:

.....
Cr Phillemon Mosby
Mayor
Torres Strait Island Regional Council
Date:



Torres Strait Island
REGIONAL COUNCIL

Draft Minutes

HOUSING AND SAFE AND HEALTHY COMMUNITIES COMMITTEE

Date: Thursday, 3rd February 2022

Time: 10:00am to 12:00pm

Venue: Video Conference

PRESENT:

Cr Keith Fell – Chair – Mabuiag

Cr Francis Pearson – Committee Member – Poruma

Cr John Levi – Committee Member – St Pauls

Dawson Sailor – Acting Executive Director, Building & Community Services

May Mosby – Secretariat

APOLOGIES:

1. Welcome (Chair)

Cr Keith Fell welcomed everyone to the meeting and paid respects to the custodians of the land from where we are sitting and to our Heavenly Father for blessing us. Cr Fell also gave condolences to Cr Francis Pearson for sorry business in Poruma from his community of Mabuiag and invited Cr Francis Pearson to open the meeting in prayer.

2. Opening Prayer

Cr Francis Pearson opened the meeting with a word of prayer at 10:09am.

3. Apologies

Nil Apologies

4. Declaration of Conflict of Interest (COI) (Prescribed and Declarable)

No Declarations made. Cr Keith Fell encouraged Committee Members to make a declaration at any time during the meeting.

5. Noting of previous Ratified Minutes – Housing and Safe and Healthy Communities

- 4th November 2021 – VC – Ratified at January 2022 Ordinary Meeting

RESOLUTION:

Moved: Cr John Levi; Second: Cr Francis Pearson

That the Committee notes the Minutes of the meeting held on 4th November 2021 as true and accurate account of that meeting.

MOTION CARRIED UNANIMOUS

6. Action Items List

Mr Dawson Sailor, Acting Executive Director, Building and Community Services updated the Committee with the action items from the register.

ACTION: Acting Executive Director, Building and Community Services to bring this matter up again at the next OM as to how we can mitigate this concern.

ACTION: Acting Executive Director, Building and Community Services to dot point issues of seawall, animal management, lighting and asbestos at the next OM.

7. COVID19 – Verbal

Cr John Levi acknowledged the Community Disaster Management Group (CDMG) and the Local Disaster Management Group (LDMG) for the updates and keeping us in the loop of what's happening in the region. He also stressed the importance of getting the message out on getting vaccinated.

Mr Dawson Sailor, Acting Executive Director, Building and Community Services updated the Committee of the issues raised at the recent SARG Meeting around COVID in the Divisions and Seaswift delivery drivers not complying with the wearing of masks. He advised that he had since communicated with management at Seaswift to communicate down to crew on the mask wearing due to the vulnerability of communities.

Contractors not complying with the Visitor's request at Iama, Mr Dawson Sailor will follow up further with the Divisional Manager there.

IBIS Store – Iama. It was agreed that families isolating are to telephone through their list of groceries to IBIS to put together and pay by credit card.

Eligibility of financial assistance for those affected by COVID and in isolation. Mr David Baldwin and Ms Hollie Faithfull are looking further into this matter, however there are financial assistance available.

Cr John Levi raised the concern of mandatory vaccination for our workers however Mr Dawson Sailor advised that mandatory vaccination only applies to those workers in Child Care and HACC due to the nature of the business.

8. Housing (future) – Verbal

Mr Dawson Sailor, Acting Executive Director, Building and Community Services provided a verbal update on the Housing Investment Plan and that it has been approved by the Minister and a Formal Offer will be sent to Mayor Mosby and CEO for sign off.

In terms of housing projects, a BSU meeting has been scheduled for Friday, 4th February 2022 to work on KPI's and what we can achieve and what's stopping us from achieving them.

Cr Francis Pearson raised the possibility of utilising local builders on ground that has a builder's licence and qualifications. Acting Executive Director requested more information of the local builders, so to send information and application to have them listed as suppliers on Councils records.

9. Katter Leases – Verbal

Mr Dawson Sailor, Acting Executive Director, Building and Community Services advised there are no updates or issues at the moment.

10. Animal Management – Verbal

Mr Dawson Sailor, Acting Executive Director, Building and Community Services advised that this matter has been raised before at the previous Committee Meeting and that Environmental Health has put notices out about dogs wondering at large. Cr Keith Fell stated that is still an ongoing concern.

ACTION: Acting Executive Director, Building and Community Services to investigate with Environmental Health process of RSPCA in terms of animal management cruelty and enforcement of law for adoption or inclusion in TSIRCs processes.

11. Lighting in communities – Verbal

This matter has been discussed previously.

12. UHF Radios – Verbal

Mr Dawson Sailor, Acting Executive Director, Building and Community Services updated the Committee that this topic was discussed at the last committee meeting to map out the divisions if we lose communication as there are a few radios not operational. He has spoken with the Local Community Disaster Coordinator, Ms Eunice Hosea to look into having the radios back up and in working order. This matter is still in working progress and will therefore keep as a standing Agenda.

13. Sea Rescue – Verbal

Mr Dawson Sailor, Acting Executive Director, Building and Community Services advised there are no further update at this stage. He had spoken to the Senior Constable at Thursday Island, Alison Williams about the COVID breaches and sea rescue and had raised concerns from this committee. The Police Officer, Jason, who is the officer dealing with this matter was on leave at the time but had still not received any response back from him. Matter to stay as a standing Agenda Item for next meeting.

ACTION: Acting Executive Director, Building and Community Services to follow up on a response from the police and provide at the next Committee Meeting.

14. Funding Availability – Verbal

Cr John Levi spoke to this topic on whether this committee will be able to achieve funding for matters raised such as lighting before Councillors' term ends and expressed concerns that these issues and Key Priorities for Councillors/Divisions will not be achievable by the end of term.

Cr Fell raised that Councillors Key Priorities should be revisited and if possible, access revenue from Trustee to address the concerns. The conversation is to be taken offline and discussed further.

15. Mental Health and Aged Care Program – Verbal

Cr John Levi spoke to this topic on how Healthy Lifestyle Officers could have a big impact on ground in delivering programs around mental health for our young people coming out of school to ensure we are getting best value for money and to have a positive outcome on ground. Cr Levi referred to LGAQ conference in Mackay, elected represented expressed concerns of duplication of government services and programs in Mornington Island with no real achievement or outcome, the representative requested a service audit.

Action Item: That the Executive Director, Building and Community Services place on Agenda for February Ordinary Meeting for Councillors to voice concern around duplication of service delivery of various levels of Govt organisations. A service audit across the region will be proposed to identify concerns and streamline.

It is noted that Cr John Levi be invited to speak to this topic at the next council meeting.

16. Real time achievable Agenda Items – Verbal

Cr John Levi spoke to this topic in regard to timeframe Councillors have left in office and to start to streamline a way forward to achieve items that could be achieved before their term ends.

17. COMMITTEE MOVES INTO CLOSED BUSINESS

RESOLUTION:

Moved: Cr John Levi; Second: Cr Francis Pearson

That in accordance with section 254J of the Local Government Regulation 2012 (Qld) it is resolved for the meeting to go into closed session to discuss matters of the following nature:

(e) legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

MOTION CARRIED UNANIMOUS

18. Fuel – CB - Verbal

19. Lack of Communication and Trust – CB - Verbal

20.

21. COMMITTEE MOVES OUT OF CLOSED BUSINESS AND RESUMES IN OPEN BUSINESS

RESOLUTION:

Moved: Cr Francis Pearson Second: Cr Keith Fell

That the Committee move out of Closed Business.

MOTION CARRIED UNANIMOUS

22. General/ Other Business (on notice)

Acting Executive Director, Building and Community Services raised the possibility of inviting staff to attend committee meetings to present certain agenda items.

Cr Keith Fell fully supports staff to present at Committee Meetings.

ACTION: Acting Executive Director, Building and Community Services to raise with Acting CEO and Governance to ensure this aligns with Terms of Reference.

23. Next meeting date

- 2nd June 2022
-

24. Closing Prayer

Cr Keith asked Cr John Levi to close the meeting in prayer.

MEETING CLOSED - 12:05PM

.....
Ms Hollie Faithfull
Acting Chief Executive Officer
Torres Strait Island Regional Council
Date:

.....
Cr Phillemon Mosby
Mayor
Torres Strait Island Regional Council
Date:

STATEGIC AND OPERATIONAL ACTIONS FROM ORDINARY MEETING AND EXECUTIVE - PLUS OPERATIONAL ACTIONS ONLY FROM SARG TO BE INPUT ONTO THIS DOCUMENT #85075												
Date	Month of Meeting	Year	Type of Meeting	Community	Agenda Report	Action	Lead Officer	Advisory Officer	Budget (Y/N)	Plans - Op Plan, AMPs, Risk Register or (Y/N)	Lead Officer Comments	ETA
18	January	2022	Council Ordinary	VC	Confirmation of Previous Culture, Arts, Land and Heritage Minutes	Secretariat to liaise with the Governance and Leadership Committee Chair to provide an update on the TSI Flag to the next Culture, Arts, Land and Heritage committee meeting.	Secretariat				Currently in progress	
19	January	2022	Council Ordinary	VC	Business Arising from Information Reports	Acting Executive Director, Building and Community Services to provide Cr Seriako Dorante a copy of the COVID19 response plan for Hammond Island.	A/Executive Director Building and Community Services				Completed. A/ED B&CS advised Divisional Manager to provide Cr Dorante with CDMP, in addition A/ED, B&CS advised Cr Dorante on 20/1/22 on CDMG process for a meet. Hammond CDMG met 21/1/22.	
19	January	2022	Council Ordinary	VC	Strategic Matters	Acting Executive Director, Building and Community Services to follow up with the Head of Building Services for information and quotations on kit homes in our region and provide this information to Cr Francis Pearson.	A/Executive Director Building and Community Services				Completed. BSU notified, due to workload and priorities, will obtain and provide costing directly to Cr Pearson. Cr Pearson also notified on status via email 25/1/22.	
19	January	2022	Council Ordinary	VC	Strategic Matters	Acting Executive Director, Engineering Services to have offline conversation with Cr Conwell Tabuai regarding the delay.	A/Executive Director Engineering Services				In progress	
19	January	2022	Council Ordinary	VC	Strategic Matters	Executive Director Corporate Services to email TSIRC's Top 5 Community Priorities for Kiririri to Cr Seriako Dorante and for Erub to Cr Jimmy Gela.	Executive Director Corporate Services				Completed.	
19	January	2022	Council Ordinary	VC	Strategic Matters	Acting Executive Director, Engineering Services to have an offline meeting with Cr Dimas Toby to provide an update on the progress of the Boigu Seawall.	A/Executive Director Engineering Services				In progress	
19	January	2022	Council Ordinary	VC	Strategic Matters	Acting Executive Director, Engineering Services to have an offline conversation with Cr Aven Noah on the Outboard Mechanic request.	A/Executive Director Engineering Services				In progress	



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	February 2022
DATE:	15/16 February 2022
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Demolition of Housing
AUTHOR:	Peter Jacques, Head of Building Services Unit

Recommendation:

Council resolves to

- Endorse the demolition of the properties and battering of the banks at:
 - Lot 50 Levi Street St Pauls (Wug)
 - Lot 152 Marou Street Mer
 - Lot 154 Marou Street Mer
- and
- Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to secure a purchase order from the Department of Communities, Housing and Digital Economy for the demolition.

Executive Summary:

The purpose of this Report seeks Councils endorsement for demolition to three properties on Councils Housing stock.

Background:

Department of Communities, Housing and Digital Economy in consultation with Council's Building Services Unit (BSU) identified and earmarked three properties for demolition, two on Mer and one on Wug. Status of these properties are provided below.

Structural Engineers Mal Engineers was engaged in October 2021 to assess the structure of the identified properties and provided a report to BSU and Department of Housing on their findings.

Lot 50 Levi Street, St Pauls is a dilapidated home consisting of a donga with added bedrooms and lounge. Cr Levi was consulted on this and is supportive of the demolition as the property is currently vacant due to the safety concerns. Cr Levi notes that a new-build will replace this property once demolished and will address overcrowding on St Paul (Wug).

Lot 152 and Lot 154 Marou Street, Mer: Both houses' foundations have been seriously undermined by erosion. Council's Housing team relocated the tenant of 152 Marou Street in 2021. The tenant of 154 Marou Street remains in property and relocation arranged with Housing team. Additionally, the banks at both properties will have to be battered to mitigate any further erosion until a more permanent solution is available. Cr Noah was consulted with demolitions and arrangements.

Comment:

The proposed resolution is recommended based on the technical advice and availability of finance with Department of Communities, Housing and Digital Economy. Further, the approach works in favour for Council as it will mitigate safety concerns and overcrowding for the tenant.

Considerations

Risk Management

Reputational

A reputational risk exists should Council not approve the demolition. All properties identify safety concerns. The demolition of these unsafe homes paves the way for new houses the communities and not evoking an Indigenous Land Use Agreement.

Council Finance

Nil to very minimal financial impact to Council if endorsed. However, should Council not endorse, Council is not in a financial position to address the issue.

The Department of Communities, Housing and Digital Economy has confirmed that they will pay for the demolition and removal of materials of the three properties.

Consultation:

- Department of Communities, Housing and Digital Economy
- Council's Building Services Unit
- Mal Engineers
- Cr John Levi, St Paul Division
- Cr Aven Noah, Mer Division
- John Paiwan, Housing Coordinator

Links to Strategic Plans:

Corporate Plan 2020-2025

Strategic Delivery Pillars – People, Sustainability, Prosperity

Statutory Requirements:

Local Government Act 2009

Local Government Regulation 2012

Building Industry Fairness Act 2017

Conclusion:

That Council resolves to approve the demolition of the properties and battering the banks and delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to finalise this matter.

Peter J Jacques

Endorsed:
Peter Jacques
Head of Building Services

Dawson Sailor

Recommended:
Dawson Sailor
Executive Director, Building and Community
Services

Hollie Faithfull

Approved:
Hollie Faithfull
Acting Chief Executive Officer



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	February 2022
DATE:	15 & 16 February 2022
ITEM:	Agenda Report
SUBJECT:	Funding Acquisition Report
AUTHOR:	Melissa Wright - Acting Manager Enterprise Development & Delivery

Recommendation:

That Council resolves to note this report and its content.

Executive Summary:

This report provides an update on and summary of Council's recent grant acquisition activities.

New Agreements/Variations:

The following is a list of all new agreements and/or variations that were executed during the month of January 2022 within the Chief Executive Officer's financial delegation limit of \$1,000,000 as per Council's Strategic External Grant Funding Policy:

- Works for Queensland 19-21
Extension of Time Variation.
 - Dauan Community Hall
 - Hammond Undercover Shelter
 - Iama Covered Sporting Facility
 - Masig Builders Workshop
 - Poruma Airport Waiting House
 - Saibai Airport Waiting House

Current Application Status Report:

The following table highlights all funding applied for during this financial year, including details on their outcomes and a status report on all unsuccessful and long-term pending applications. Please note, the reporting period is for the fiscal year to align with Council's budget and projected forecasts.

Funding Stream	Value	Project Details	Date of Application	Outcome	Current Status Report
Reporting period - 1 July 2021 – 31 January 2022					
<i>Regional & Remote Recycling Modernisation Fund</i>	<i>\$517,550</i>	<i>Development and implementation of a pilot program on Warraber Island to effectively manage recyclable materials and reduce landfill.</i>	<i>25th January 2022</i>	<i>Pending</i>	<i>The outcome of this funding is expected in April 2022</i>
<i>QRA – Disaster Recovery Funding Arrangements</i>	<i>\$561,097.03</i>	<i>Reconstruction of essential public assets, Tropical Low 24-30 January 2021 event. DRFA Various Islands.</i>	<i>December</i>	<i>Successful</i>	
<i>Building our Regions Round 6 – Reservoir Roads Design</i>	<i>\$275,000</i>	<i>Development of detailed engineering plans for all-weather access roads to reservoirs at Hammond, Badu, Mabuia, Iama and Mer</i>	<i>21st December 2021</i>	<i>Pending</i>	<i>The outcome of this funding is expected by June 2022</i>
<i>Building our Regions Round 6 – Iama Drinking Water Lagoon Study</i>	<i>\$175,000</i>	<i>Feasibility study for new water storage lagoon on Iama Island</i>	<i>21st December 2021</i>	<i>Pending</i>	<i>The outcome of this funding is expected by June 2022</i>
<i>Building our Regions Round 6 – St Pauls Ladyhill Rd Drainage Design</i>	<i>\$85,000</i>	<i>Detailed drainage design and engineering report for Ladyhill Road on St Pauls</i>	<i>21st December 2021</i>	<i>Pending</i>	<i>The outcome of this funding is expected by June 2022</i>
<i>Building our Regions Round 6 – Warraber Sewer Replacement</i>	<i>\$1,875,000</i>	<i>Replacement of sewer Pumpstation 1 on Warraber Island</i>	<i>23rd November 2021</i>	<i>Pending</i>	<i>The outcome of this funding is expected by June 2022</i>
<i>Building our Regions Round 6 – Badu Reservoir Main</i>	<i>\$350,000</i>	<i>Construction of a new section of water main from the reservoir to the town network – Badu</i>	<i>23rd November 2021</i>	<i>Pending</i>	<i>The outcome of this funding is expected by June 2022</i>
<i>Building our Regions Round 6 – Badu & Mabuia Water Network Management</i>	<i>\$280,000</i>	<i>Implementation of smartmeters and additional valving into water network</i>	<i>23rd November 2021</i>	<i>Pending</i>	<i>The outcome of this funding is expected by June 2022</i>

<i>QRA – Disaster Recovery Funding Arrangements</i>	<i>\$499,983.82</i>	<i>Reconstruction of essential public assets, Tropical Low 24-30 January 2021 event. Boigu, Dauan and Saibai Islands</i>	<i>November 2021</i>	<i>Successful</i>	
<i>QRA – Disaster Recovery Funding Arrangements</i>	<i>\$740,652.25</i>	<i>Reconstruction of essential public assets, Tropical Low 24-30 January 2021 event. Hammond Island</i>	<i>November 2021</i>	<i>Successful</i>	
<i>QRA – Disaster Recovery Funding Arrangements</i>	<i>\$89,697.95</i>	<i>Reconstruction of essential public assets, Tropical Low 24-30 January 2021 event. Ugar Island.</i>	<i>November 2021</i>	<i>Successful</i>	
<i>QRA – Disaster Recovery Funding Arrangements</i>	<i>\$2,241,893.17</i>	<i>Reconstruction of essential public assets, Tropical Low 24-30 January 2021 event. Various Roads.</i>	<i>November 2021</i>	<i>Successful</i>	
<i>LRCI Phase 3</i>	<i>\$388,576</i>	<i>Upgrade of Dauan Helipad Road</i>	<i>22nd November 2021</i>	<i>Successful</i>	
<i>State Government Financial Aid</i>	<i>\$7,393,000</i>	<i>Recurring annual funding to assist local governments with operational costs</i>	<i>N/A</i>	<i>N/A</i>	
<i>Revenue Replacement Program</i>	<i>\$546,200</i>	<i>Recurring annual funding for Indigenous Councils that handed over profitable liquor licences</i>	<i>N/A</i>	<i>N/A</i>	
<i>LGAQ QCoast2100 2.0</i>	<i>\$247,500</i>	<i>Funding to complete phases 6-8 of the Coastal Hazard Adaption Strategy</i>	<i>5th November 2021</i>	<i>Successful</i>	
<i>Indigenous Language Grants</i>	<i>\$20,000</i>	<i>Development of Environmental Health Material and other Community Messages using Torres Strait Language. The media will include posters, prints, and videography.</i>	<i>15th October 2021</i>	<i>Unsuccessful</i>	
<i>Queensland Reconstruction Authority</i>	<i>\$67,554</i>	<i>Design of Dauan Island Western Reservoir Road.</i>	<i>August 21</i>	<i>Successful</i>	
<i>State Library of Qld</i>	<i>\$17,000</i>	<i>Extension of funding for a further one-year period.</i>	<i>5th July 21</i>	<i>Successful</i>	
<i>Dept. Sport & Rec</i>	<i>\$225,000</i>	<i>Funding to increase HLO's hours to deliver a fitness program under the direction of a</i>	<i>July 21</i>	<i>Successful</i>	

		<i>qualified Personal Trainer</i>			
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Total Amount Applied for between 1 July 2021 and 31 January 2022
\$16,595,704.20

Total Amount Successful between 1 July 2021 and 31 January 2022	
Building Services	
Engineering	\$4,836,954.22
Community Services	\$242,000
Business Services	\$7,393,000
Executive	546,200
Combined Total	\$13,018,154.20

Pending Applications from Previous Financial Year:

The below table lists all pending applications pertaining to the previous financial year. The Grants team will continue to follow up until confirmation is received on their outcome.

Funding Stream	Value	Project Details	Date of Application	Outcome	Current Status Report
<i>DOH – Public Health & Chronic Disease Program</i>	<i>\$2,272,301</i>	<i>Early Childhood Nutrition Program</i>	<i>21st May 21</i>	<i>Unable to be funded</i>	<i>Status update requested by email on the 29/10 and again on the 24/11. Contact was made by phone on the 26th Nov - refer below for further detail.</i>

Feedback Received:

Project	Value	Date	Feedback Received
<i>Early Childhood Nutrition Program</i>	<i>\$2,272,301</i>	<i>26th November 2021</i>	<i>The Department have advised that TSIRC's application was unfortunately misplaced and did not go through the assessment process with the other applications. As this was an error on their end, they are now assessing the application against the criteria to provide procedural fairness. The only feedback that I was able to obtain is that TSIRC's application was deemed as eligible and has been considered a highly competitive application, which means that had it been assessed with the other applications it would have been shortlisted for approval. If it is determined that the application would have been successful, the Department will try to seek funding for the project, which won't be easy with its' high value. The Department were unable to provide any indication as to how long this process is likely to take.</i>
		<i>4th February 2022</i>	<i>The Department have advised that they were unable to find additional funding for this project and have apologised immensely for the mishandling of the application. They have encouraged TSIRC to resubmit the application if future funding is made available and have provided comment on how impressed they were with our submission. The Department have also advised that they have now changed the application process for future funding rounds as a result of this mishap.</i>

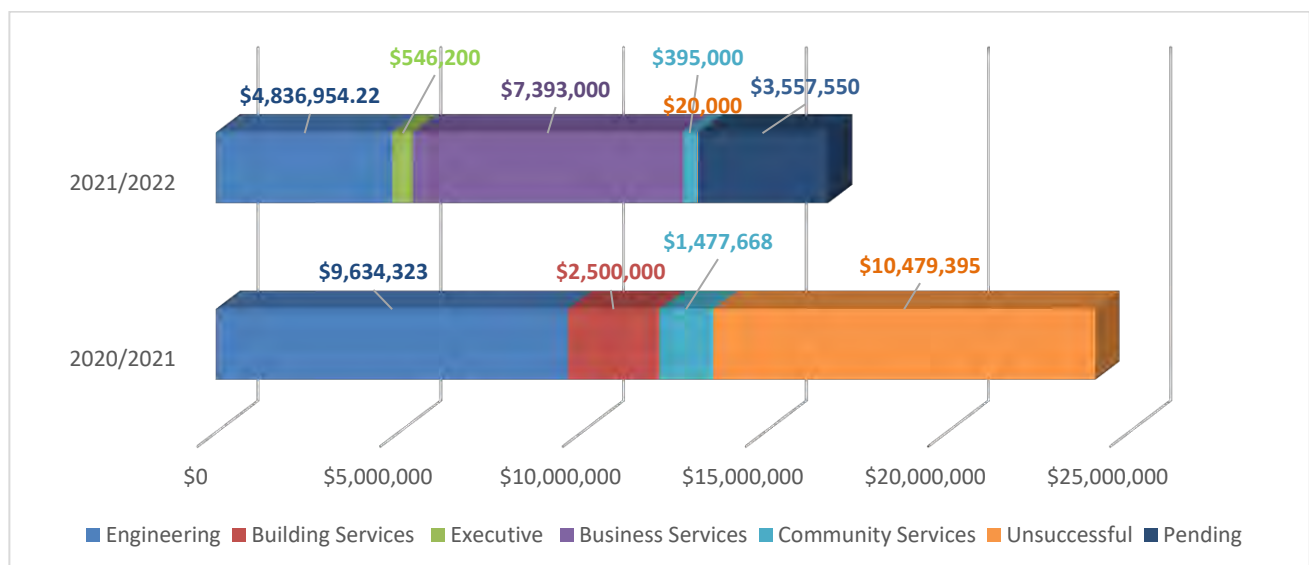
Funding Applications in Progress:

The below list outlines all funding applications that are currently in progress.

- ✚ Saluting Their Service Commemorative Grants
Funding to construct a Defence Force Memorial Board on Erub Island.
Value - \$10,000
- ✚ Department of Health
Minor capital funding to complete rectification works at Aragon Child Care and Hammond Island After School Care Centres
Value - TBD
- ✚ Community Child Care Fund
Funding to reinstate child care services on Hammond Island
Value – TBD

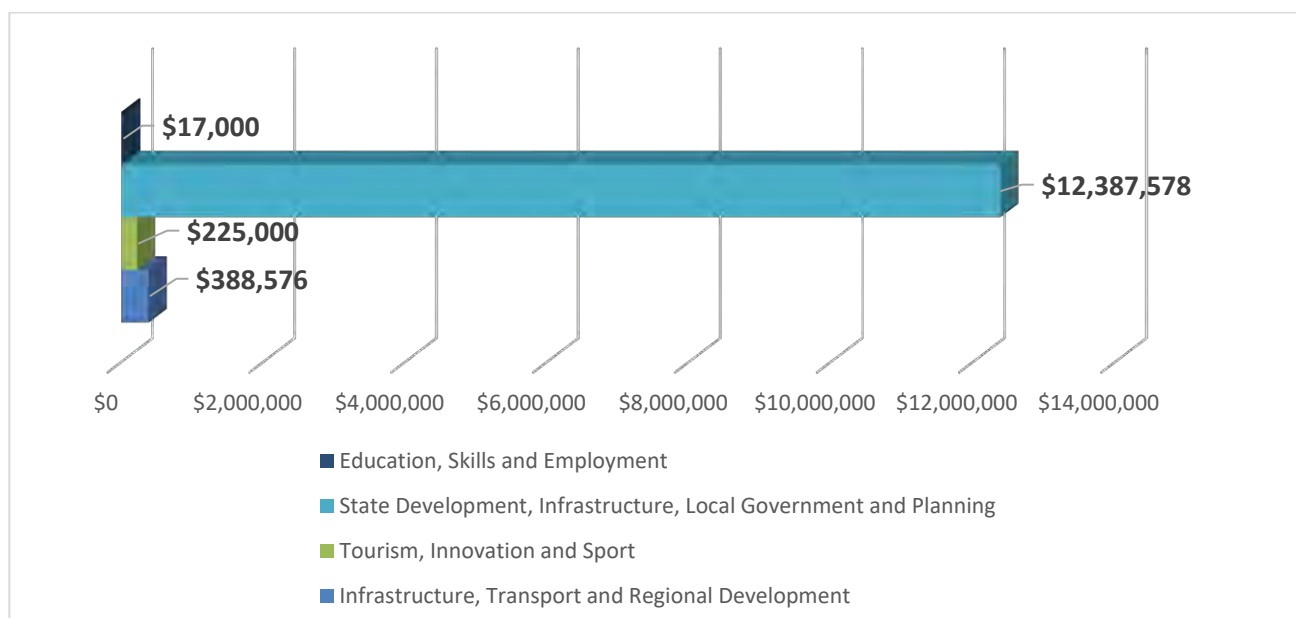
Historical Funding Comparison:

The following graph provides a historical comparison of total funding applied for during each financial year, with a breakdown of funding received per internal department, including the value of pending and unsuccessful applications.



Breakup of Funding Per Portfolio:

The following graph is a breakdown of successful funding received to date per ministerial portfolio.



Councillor's Top 5 Priorities Status:

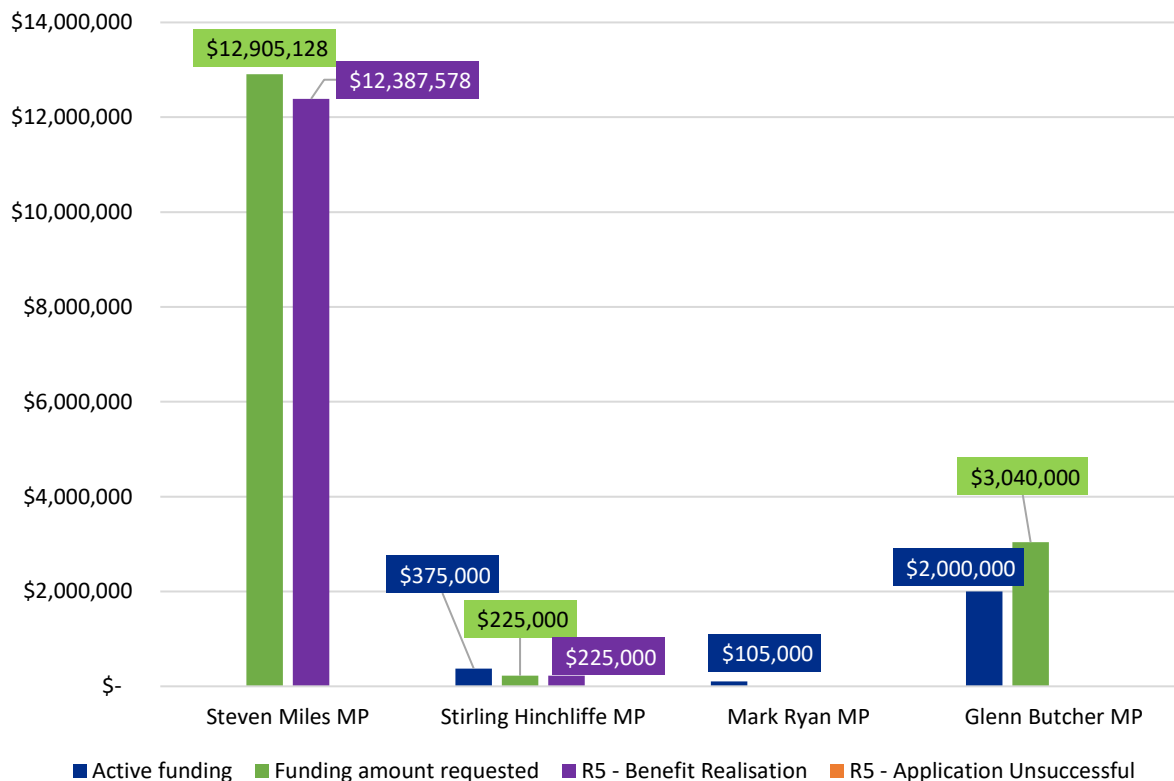
The following table provides an update on the current status of Councillor Top 5 Priority projects. Out of 75 identified projects there are currently 15 projects that have either been completed or are in the process of being completed, and a further 2 projects that are in initial application stages. All remaining projects will continue to be matched against potential funding opportunities as they arise.

Priority List	Number of Initiatives	Total Value	%Total	R1 - Identified	R2 - Qualified	R3 - BSA Review	R4 - Submitted	R5 - Benefit Realisation
Priority 1	15	\$22,393,800.00	28%	8	3	0	0	4
Priority 2	15	\$23,071,857.00	28%	10	2	0	0	3
Priority 3	15	\$12,658,857.00	16%	7	3	0	0	5
Priority 4	15	\$11,622,000.00	14%	11	2	0	0	0
Priority 5	15	\$11,467,718.00	14%	10	1	0	0	3
Total	75	\$81,214,232.00	100%	46	11	0	0	15

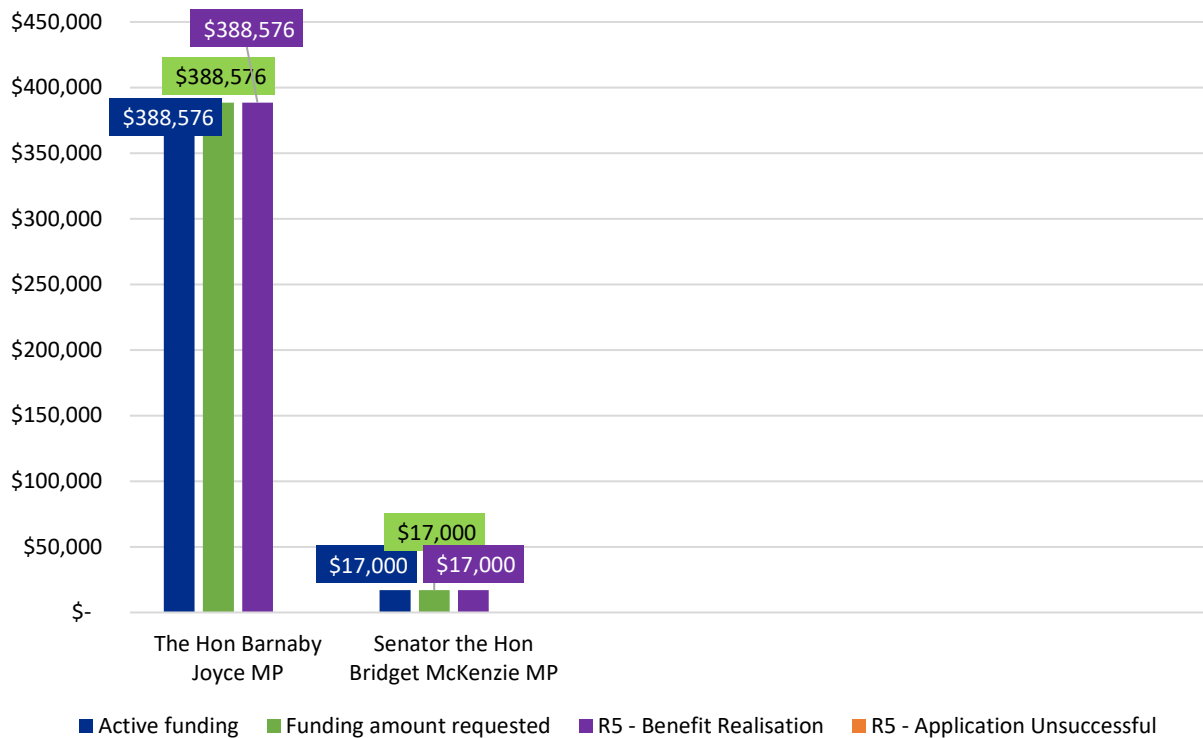
Funding Agency Portfolio Breakdown:

The Funding Agency Portfolio breakdowns show the total value of active funding, requested funding, and successful and unsuccessful applications per State (below) and Federal (overleaf) Ministerial.

Funding Agency Portfolio (active funding only) by State



Funding Agency Portfolio (active funding only) by Federal

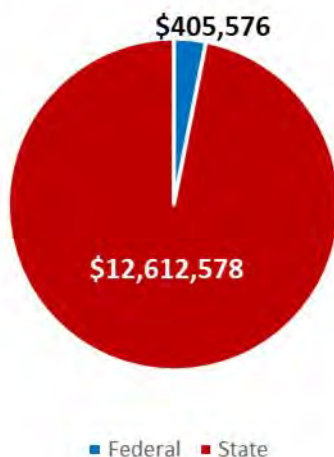


Value of Applications by Stage:

The two pie charts displayed below outline the total amount of successful funding broken down into State and Federal Portfolio's (Graph 1) and the total value of funding applications submitted versus the total value of successful applications.

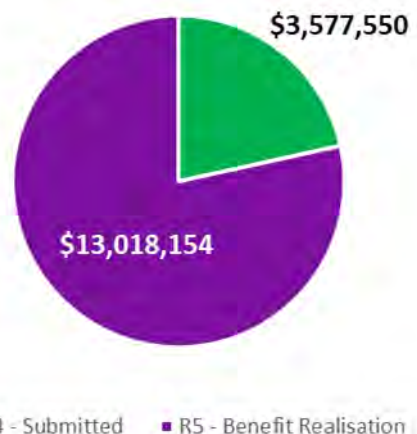
Graph 1

Successful Funding Only (Federal vs State)



Graph 2

Submitted - Benefit Realisation



Links to Strategic Plans:

- Corporate Plan 2020-2025:
 - People - Outcome 4: We are a transparent, open and engaging Council.
 - Sustainability - Outcome 8: We manage Council affairs responsibly to the benefit of our communities.
- Operational Plan 2022-2022:
 - Objective 11: Further develop a good governance and risk culture across Council.

Statutory Requirements:

- *Local Government Act 2009*
- *Local Government Regulation 2012*

Conclusion:

That Council resolves to note and provide any necessary feedback to this report.



Recommended:

Megan Barrett
Executive Director Corporate Services



Approved:

Hollie Faithful
Acting Chief Executive Officer



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	February 2022
DATE:	15-16 February 2022
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Community Grants Program Allocation – February 2022
AUTHOR:	Katherine Epseg, Customer Services Officer, Corporate Affairs

Recommendation:

Council resolves to allocate Community Grants Program funding to the following applicants in accordance with the Community Grants Policy:

Community Grant Applications received from Community Entities for the maximum threshold of \$10,000:

- Restoration Revival Ministries for the eligible amount of \$1448.00 exclusive of GST, as per the submitted application.
- Church of the Rock Ministry for the eligible amount of \$6991.40 exclusive of GST, as per submitted application.

Community Grant Applications received from Individual applicants for the maximum threshold of \$2,500:

- Nil (0) applications received.

Executive Summary:

In line with Council's Community Grants Policy, endorsed by Council at the December 2021 Ordinary Meeting, and further advice provided by MacDonnells Law, Community Grant applications must be decided upon, on one occasion at any time during the month.

Community Grants Background:

For the month of February, two (2) Community Grant applications meeting the eligibility requirements were received.

An assessment based on eligibility criteria was conducted by Council officers in accordance with the Community Grant Policy. An acknowledgement of each application being received and assessed as compliant was issued to each applicant.

The two (2) applications which meet eligibility requirements are:

Applicant	Project	Location
Restoration Revival Ministries	Contribution towards purchasing of yard equipment to maintain the community.	Saibai

Church of the Rock Ministry	Contribution towards purchasing musical instruments for community church services.	Boigu
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Regional Grants Background:

In line with Council's Community Grants Policy, eligible Regional Grants are submitted during three (3) funding rounds per financial year. For the current submission period of 15th December 2021 – 15th January 2022, the following applications were received:

- Nil (0) Regional Grants applications were received.

The final Regional Grants funding round for this financial year is 15th April – 15th May 2022. Any Regional Grants applications received during this submission period will be tabled at the June 2022 Ordinary Meeting.

Links to Strategic Plans:

These projects strategically align to specific delivery objectives under the People and Prosperity pillar of Council's Corporate Plan.

Finance & Risk:

No financial risk identified as the allocation is within existing Community Grants budget.

Sustainability:

N/A

Statutory Requirements:

Local Government Act 2009

Conclusion:

That Council resolves to provide Community Grant support to the eligible applicants in accordance with the Community Grants policy.



Recommended:

Megan Barrett
Interim Executive Director, Corporate Services



Approved:
Hollie Faithfull
Acting Chief Executive Officer

Attachment: Fund Balances

Attachment: Fund Balances (after payment of applications endorsed at December 2021 OM)

Division	Councillor	Budget	Less approved funding	Closing Balance
Boigu	Cr. Toby	\$25,000.00	\$16,630.45	\$8,369.55
Hammond	Cr. Dorante	\$25,000.00	\$7,000.00	\$18,000.00
St Pauls	Cr. Levi	\$25,000.00	\$20,092.88	\$4,907.12
Ugar	Cr. Stephen	\$25,000.00	\$10,000.00	\$15,000.00
Badu	Cr. Nona	\$25,000.00	\$24,460.00	\$540.00
Dauan	Cr. Elisala	\$25,000.00	\$0.00	\$25,000.00
Erub	Cr. Gela	\$25,000.00	\$11,995.64	\$13,004.36
Iama	Cr. Lui	\$25,000.00	\$11,782.00	\$13,218.00
Kubin	Cr. Trinkoon	\$25,000.00	\$3000.00	\$22,000.00
Mabuiag	Cr. Fell	\$25,000.00	\$0.00	\$25,000.00
Mer	Cr. Noah	\$25,000.00	\$13,909.50	\$11,090.50
Poruma	Cr. Pearson	\$25,000.00	\$10,010.00	\$14,990.00
Saibai	Cr. Tabuai	\$25,000.00	\$11,795.97	\$13,204.03
Warraber	Cr. Tamu	\$25,000.00	\$21,000.00	\$4,000.00
Yorke	Cr. Mosby	\$25,000.00	\$14,694.93	\$10,305.07
Mayor	Cr. Mosby	\$30,000.00	\$0.00	\$30,000.00
Regional Grant		\$50,000.00	\$4,866.18	\$45,133.82
		\$455,000.00	\$117,077.55	\$309,762.45



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	February 2022
DATE:	15/16 February 2022
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Change of March OM meeting place
AUTHOR:	Mette Nordling, Manager, Governance and Compliance

Recommendation:

Council resolves to relocate the March 2022 Ordinary Meeting of Council from a face-to-face meeting on Warraber to a meeting conducted via videoconference.

Executive Summary:

Due to the ongoing development of the COVID-19 event, it is considered in the best interest of Councillors, Council Officers and Communities that Council's Ordinary Meeting scheduled for 22 and 23 March 2022 at Warraber is instead held via videoconference to minimise travel and risk of bringing in or spreading COVID-19 in the region.

Background:

At Council's Ordinary Meeting in December 2021 Council resolved to hold the March Ordinary Meeting face-to-face at Warraber.

Following on from this meeting, the Queensland State Borders opened to international and interstate travellers and the COVID-19 virus has since spread across the state and the Torres Strait.

In January 2022 the State Government encouraged everyone, who could, to work from home and Council's Business Continuity Planning Team (BCP Team) embraced this, especially in the Cairns Office, where the office is effectively closed and most staff working from home.

The BCP Team also put restrictions in place on work related travel between Cairns and the Torres Strait to ensure the risk of spreading the virus further in the region is minimised. All travel from Cairns to the region must be approved by the Acting Chief Executive Officer.

Comment:

Due to the current BCP directive of working from home where possible and minimal travel to the region, it is considered best practice and in the best interest of Councillors, Council Officers and Community Members that the meeting planned for Warraber is changed to be conducted via videoconference. This will ensure that no Councillors or officers will need to travel and therefore minimise the risk of spreading the virus in the region.

Holding Council meetings via videoconference is consistent with the *Local Government Regulation 2012*, section 277B.

Considerations

Risk Management

It is considered appropriate risk mitigation to relocate the meeting from Warraber to videoconference.

Council Finance

No cost associated with relocation to videoconference.

Consultation:

- Mayor
- Chief Executive Officer

Links to Strategic Plans:

These projects strategically align to specific delivery objectives under the People and Sustainability pillars of Council's Corporate Plan.

Statutory Requirements:

Local Government Act 2009

Local Government Regulation 2012

Conclusion:

That Council resolves to relocate the March 2022 Ordinary Meeting of Council from a face-to-face meeting on Warraber to a meeting conducted via videoconference.



Recommended:

Megan Barrett
Executive Director Corporate Services



Approved:

Hollie Faithful
Acting Chief Executive Officer



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	February 2022
DATE:	15 & 16 February 2022
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Contract TSIRC 2021-354 Top Western Islands DRFA Works
AUTHOR:	Peter Price – Acting Manager, Capital Works

Recommendation:

That Council resolves to:

1. Subject to funding approval for the market price update of Separable Portion A by QRA, award contract. TSIRC 2021-354 – Top Western Islands DRFA Works, Separable Portion A, to Koppens Development Pty Ltd for an amount of up to \$2,788,583.86 excl. GST
and
2. Subject to funding approval for Separable Portion A, award contract TSIRC 2021-354 – Top Western Islands DRFA Works Separable Portion B, to Koppens Development Pty Ltd for an amount of up to \$868,342.21 excl. GST
and
3. Subject to funding approval for Separable Portion A, award contract TSIRC 2021-354 – Top Western Islands DRFA Works, Separable Portion C, to Koppens Development Pty Ltd for an amount of up to \$383,391.10 excl. GST
and
4. Delegate power to the Chief Executive Officer, in accordance with the *Local Government Act 2009*:
 - Confirm and finalise any required approvals and or arrangements with the relevant funding bodies to make, amend and discharge contract TSIRC 2021-354: and
 - Power to negotiate, finalise, and execute any and all matters associated with or in relation to this project and contracts including without limitation any options and/or variations as per Council's procurement and ethical sourcing policy.

Purpose:

The purpose of this Agenda Report is to provide Council with a recommendation to award the Tender No. TSIRC 2020-354 – Top Western Islands DFRA Works Separable Portions A, B, and C to Koppens Development Pty Ltd, for an amount of up to \$4,040,317.17 excl. GST.

Background:

Torres Strait Island Regional Council is undertaking works on Boigu, Dauan and Saibai Islands, hereafter referred to as the Top Western islands group, to both restore assets damaged by natural disaster events and improve existing assets to provide a higher level of functionality, reliability, and durability.

The restoration of unsealed roads in the top-western region island cluster will be undertaken after they were damaged because of the Disaster Relief Funding Arrangements eligible event: *Far North Queensland Tropical Low, 24-30 January 2021 event*. The restoration of these roads will be to a pre-event standard in a like for like manner.

Capital improvements are proposed for:

- Dauan Island Helipad Road, and
- The top 70m portion of the Dauan Island Reservoir Road.

In both cases, the capital improvements to the existing roads, is the replacement of the existing roads to a concrete pavement.

Comment:

Works Scope:

The tender has three separable portions. These separable portions and their scope of works are summarised below:

1) Separable Portion A

Restoration of roads in the top-western region island cluster (Saibai, Dauan and Boigu Island) that was damaged as a result of the DRFA eligible event: *Far North Queensland Tropical Low, 24-30 January 2021 event*. The scope of works include:

- Contractors Site Facilities and Camp.
- Provision for Traffic.
- Environmental Management.
- Erosion and Sediment Control.
- Relocation of Services (if required).
- Earthworks – Preparation, excavation, subgrade treatment, backfill
- Unbound and bound pavements.
- Concrete Works.
- Any other works that could be expected to complete the works specified.

2) Separable Portion B

Construction of a reinforced concrete roadway on the Dauan Island Helipad Road. This portion of the Works is funded by The Main Roads Aboriginal and Torres Strait Islander Transport and Infrastructure Development Scheme (TMR ATSI TIDS) and Local Roads and Community Infrastructure Round 3 (LRCI R3). The scope of works include:

- Concrete Works.
- Any other works that could be expected to complete the works specified.

3) Separable Portion C

Construction of a 70m, long reinforced concrete roadway on the Dauan Island Reservoir Road. This portion of works is funded by the Queensland Reconstruction Authority (QRA) Betterment fund. The scope of works include:

- Concrete Works.

- Any other works that could be expected to complete the works specified.

Funding:

Funding for each of the separable portions varies in origin.

Separable Portion A – 2021 DRFA Works

Separable Portion A is QRA DRFA funded Reconstruction of Essential Public Assets (REPA) works. This funding is allocated based on benchmark rates and contractor prices are updated through Management and Reporting System (MARS) Portal. Final contractor prices and funding amount is subject to QRA assessment and approval. This is currently being undertaken.

Separable Portion B – Dauan Helipad Road Upgrade

Separable Portion B is a jointly funded by TMR ATSI TIDS and LRCI R3. These funds expire June 2022 and December 2023 respectively. It is noted that all revised tendered amounts for Separable Portion B are less than the available funding.

Separable Portion C – Dauan Reservoir Road Upgrade

Separable Portion C is funded by the QRA Betterment fund. The QRA Betterment approval was based on a Consulting Engineering estimate of quantities and contractor rates.

Prior to construction, detailed design will be undertaken by ARO, and quantities will be amended as necessary. Quantity changes may entitle the contractor to profit and attendance if the quantities exceed the limits of accuracy noted in the tender documents ($\pm 80\%$). It is not envisaged by ARO that changes in quantities will exceed these limits.

Procurement Process:

In accordance with Council's Procurement and Ethical Sourcing Policy and the *Local Government regulations 2012*, an open tender process was conducted for contract TSIRC 2021-354. Table 1 below outlines the tendering process undertaken.

Description	Details
Advertising	Vendor Panel Portal
Advertised Date	3 rd November 2021
Tenders Due	11.00am Monday 25 th November 2021
Tender Period	21 Days
Tenders received	Three conforming tenders and one non-conforming tender were received by Council

Table 1: Details of the tendering and procurement process

At the close of the public tender process on 25th November 2021, Council had received three conforming submissions and one non-conforming submission from the following companies:

Company	Conformance
Durack Civil Pty Ltd	Conforming
Koppens Development Pty Ltd	Conforming

Torres Strait Island Homes Pty Ltd	Conforming
Gulf Civil Pty Ltd	Non-conforming

Table 2: Companies that provided submissions

Durack Civil's tender was not shortlisted or considered any further in the tender assessment based on tendered price.

The tender from Gulf Civil was not considered further as it was non-conforming.

The assessment was undertaken for the tender by:

1. Rudd Rankine – Principal Civil Engineer (ARO)
2. Kael Whitnell – Civil Engineer (ARO)
3. Tracy Stanesby – Senior Project Officer (ARO)

The tender assessment was completed in accordance with the predefined tender evaluation criteria weighting as per the table below.

Criteria	Weighting
Value for Money	40%
Relevant Skills and Experience	15%
Demonstrated Understanding	15%
Program of Works	20%
Local Content	10%

Table 3: Evaluation Criteria

Summary of the tender overall evaluation can be seen in Table 4 below:

Tenderer	Value (100%)	Rank
Durack Civil Pty Ltd	-	-
Gulf Civil Pty Ltd	-	-
Koppens Development Pty Ltd	92.5	1
Torres Strait Island Homes Pty Ltd	79.5	2

Table 4: Overall tender assessment summary

Indigenous Economic Opportunities Plan (IEOP):

The following table outlines the Indigenous Economic Opportunities for the contract.

Core Requirement	Minimum Requirement	Koppens Proposed IEOP
Apprentice/Trainees (new entrants)	788 hrs	800 hrs

Other Workforce	525 hrs	600 hrs
Total Deemed Hours	1,314 hrs	1400 hrs
Local Indigenous Business Supply and/or Subcontractors	\$65,681.00	\$70,000.00

Table 5: Indigenous Economic Opportunities Plan

Considerations:

Risk Management

Funding - Separable Portion A (DRFA)

The tendered Scope of Works were based on approved quantities from the QRA. The QRA approved funding to undertake these works is \$460,735.18 (ex. GST). The QRA approval amount is less than the tendered amounts received for the DRFA works. DRFA REPA works are paid on actual expenditure and the funding amount will be assessed and revised by QRA once Contractor rates are received by the QRA. This is referred to as market price update, by the QRA, and has been undertaken for Separable Portion A of the contract.

To mitigate any financial risk to Council, it is recommended that Council obtain approval for the market-price prior to the distribution of Letters of Award.

Funding - Separable Portion B (Dauan Helipad Road)

Separable Portion B is ATSI TIDS funded. To maintain ATSI TIDS funding eligibility, the works must be completed prior to 30 June 2022. A program has been provided by the recommended tenderer, Koppens, which proposes that both Separable Portion B and C are completed by 6 June 2022. LRCI R3 funding is available to cover any shortfall, however, excess ATSI TIDS funding from Saibai Airport Apron Upgrade Project will be utilised for Separable Portion B.

Funding - Separable Portion C (Dauan Reservoir Road)

During the tender assessment period an amount (excl. GST, incl. escalation & contingency) was approved by the QRA for the construction of Separable Portion C. It is noted that this funding approved exceeds the costs associated with the recommended tenderers costs and the budget has provision for certification and design costs etc.

Prior to construction, detailed design will be undertaken by ARO, and quantities will be amended as necessary. Quantity changes may entitle the Contractor to profit and attendance if the quantities exceed the limits of accuracy noted in the tender documents ($\pm 80\%$). It is not envisaged by ARO that changes in quantities will exceed these limits.

ARO believe there is an acceptable level of risk associated with the award of Separable Portion C.

Council Finance

There is no financial risk to Council as the project is to be fully funded by the following external grants:

- A- Disaster Relief Funding Arrangements (DRFA)
- B- Aboriginal and Torres Strait Islander Transport Infrastructure Development Scheme (ATSI TIDS) & Local Roads and Community Infrastructure Round 3 (LRCI R3)
- C- *Disaster Relief Funding Arrangements Betterment Fund*

Consultation:

- Councillors as appropriate
- Council's Engineering Management
- Funding body
- External Consultants

Statutory Requirements:

- *Local Government Act 2009*
- *Local Government Regulation 2012*

Conclusion

Based on the Tender Assessment, it is recommended that Council:

- award contract. TSIRC 2021-354 – Top Western Islands DRFA Works, separable portion A-C, to Koppens Development Pty Ltd, subject to funding of separable portion A and delegate power to the Chief Executive Officer, finalise, and execute any and all matters associated with or in relation to this project.



Author:

Peter Price
Acting Manager, Capital Works



Recommended:

David Baldwin
Executive Director – Engineering Services



Approved

Hollie Faithfull
Acting Chief Executive Officer



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING: February 2022

DATE: 15 February 2022

ITEM: Agenda Item for Resolution by Council

SUBJECT: Development application: subdivision of Masig Lot 15
SP277431 – proposed Lots 215 & 216 on SP331535

AUTHORS: Ian Doust, RPS
Julia Maurus, Senior Legal Officer

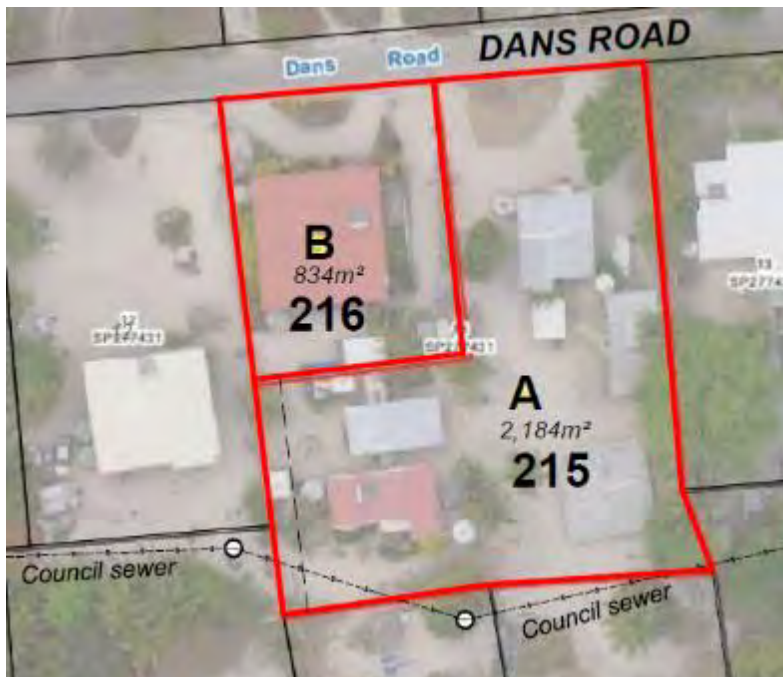
Recommendation:

Council resolves to

- issue a Development Permit for Development Application DA09-21-12(1) 'Reconfiguration of a Lot' (1 Lot into 2 Lots) - Proposed Lot A (proposed lot 215) and Lot B (proposed lot 216) on SP331535, cancelling Lot 15 on SP277431, with the inclusion of the conditions set out in Part 5 of the Agenda Report for Masig (Yorke Island)
- and
- Recommend to the Trustee that it consent to the registration of a sewerage easement in favour of Council to connect proposed Lot 216 to Council's sewer line on proposed Lot 215
- and
- Delegate authority to the Mayor and Chief Executive Officer each in accordance with the *Local Government Act 2009* to sign and endorse survey plan SP331535 for registration, contemporaneously with the creation of the required sewerage easement.

Executive Summary:

Elia, Emmanuel and Edna Billy are requesting development approval to subdivide the Katter lease land at 199 Dans Road (Lot 15 on SP277431) into two lots.



The Remote Indigenous Land and Infrastructure Program Office (RILIPO) on behalf of the three (3) Lessees Elia Julius Billy, Emmanuel Ingvali Billy and Edna Maku Billy and potential Sub-Lessee Gibson Urimah Billy seeks development approval for Reconfiguration of Lot which will result in two (2) Lots on Lot 15 on SP277431, known as 199 & 199A Dans Road, Masig.

The development proposal aims to subdivide Lot 15 SP277431 to create 2 lots:

- Site B (Proposed Lot 216) existing dwelling, 199 Dans Road
- Site A (Proposed Lot 215) existing dwelling, 199A Dans Road

The application advises the following:

- Lot 15 SP277431 (known as 199 & 199A) Dans Rd Masig is a *Land Holding Act* (Katter) Lease (No. 715653318) vested to Lessees: Elia Julius Billy, Emmanuel Ingvali Billy and Edna Maku Billy who wrote to RILIPO on 27 January 2021 requesting to give ownership of the Social Housing Dwelling at 199 Dans Rd Masig Island within their Lease to Gibson Urimah Billy.
- Lot 15 is a large residential lot containing four (4) existing structures.
- A summary of the proposed subdivision & use of the sites is as follows:

Table 1: Proposed Lots B (199) & A (199A)			
Proposed Lot	Approx. Lot Size	Existing Use	Proposed Use
B (199)	Approx. 727.36m ²	5 bedroom Social Housing Dwelling	99 year Home Ownership Proposed Sublease of LHA Lease (No.715653318) to Gibson Urimah Billy
A (199A)	Approx. 2,290.64m ²	Donga (Social House), Private House and Private Donga	Continued Home Ownership for three (3) x lessees Elia, Emmanuel and Edna Billy

The development will reconfigure Lot 15 to create two (2) lots as shown on

- Attachment 1 - Proposed ROL Plan Lot 15
- Attachment 2 - Location Plan 1035-81

There are no planning issues and the application is recommended for approval subject to conditions including a proposed sewer easement that is further discussed below.

Background:

Comment:

1. REFERRAL AGENCY

The State Assessment and Referral Agency (SARA) advised that referral for Coastal management purposes was not required.

2. ZENADTH KES TOWN PLANNING SCHEME 2016

The proposed development is reflected below:

Strategic	Township
Zone	Township
Local Plan	Masig Island
Environmental Values	Low Environmental Value area
Potential Acid Sulphate Soils	Yes land below 5m AHD
Landslide Risk	No
Bushfire Risk	No
Coastal Management District	Yes
Erosion Prone Area	Yes
Storm Tide Inundation	Yes
Flood Hazard Area	No

Within the TSIRC Zenadth Kes Planning Scheme, the proposed development is located within the Township Zone and is subject to Code Assessment. The proposed development has been assessed against the applicable Codes:

- Township zone code
- Masig Island Local Plan Code
- Reconfiguring a Lot Code
- Infrastructure Works Code
- Water Quality and Acid Sulfate Soils Code

The subject site is zoned for urban purposes and minimises impacts upon areas identified as having Environmental Value.

3. ENGINEERING

Water: services exist in Dans Road and can service the proposed lots.

Access: All proposed lots will have frontage to Dans Road and no new roadworks are required.

Electricity: (Overhead) and telecommunications (underground) exist for the properties

Sewerage:

In relation to sewerage reticulation, Council has the responsibility to operate and maintain the sewerage lines and manholes, whereas a home owner has the responsibility for the internal house drain that connects the house to the Council sewerage line.

The proposed ROL will create a new lot B at the Dans Road frontage without a connection to Council's sewer service. The house on Lot B has a private sewer house connection to Council's sewer lines at the rear of Lot 15, but the exact location is unknown.

This might create a problem should the owners of Lot B have sewer issues or the owner of Lot A build over the private house drains. The recommendation is that a sewerage easement be created now to enable lot B to connect to Council's sewer lines if required in the future.



4. PLANNING ISSUES

The Reconfiguration of a Lot requires planning approval.

The lots are well above the required minimum road frontage of 10m and the required minimum lot size of 300m² (where reticulated sewerage is available).

5. RECOMMENDATIONS

Based on the above, the recommendation is as follows:

That Council issue a Development Permit for 'Reconfiguration of a Lot' with the inclusion of the following conditions:

Approved Plans

- The proposed development is to be undertaken in accordance with the following approved drawings

Plan/Document Number	Plan/Document Name	Date
Page 14 of application	Reconfiguration of a Lot - Lot 15 on SP277431 subdivided into two new lots - Masig (Yorke Island)	7-4-2021
RPS PR10358-81	Masig 1 into 2 ROL - Locality Plan	10-1-2022

subject to any alterations:

- found necessary by Chief Executive Officer at the time of examination of drawings or during construction of the works because of particular financial, engineering or cultural requirements and to ensure the works comply in all respects with the requirements of FNQROC Development Manual and good engineering practice; and
- to comply with project specific conditions

2. All works must be carried out in accordance with the approved plans, conditions and specifications, to the requirements and satisfaction of the Chief Executive Officer.

Potential Damage

3. Any existing Council infrastructure or private property (including but not limited to, services, kerb, concrete structures, pits, channel, pavement, footpath, RCP, RCBC, etc.) damaged due to the proposed works is to be rectified or replaced at the applicant's expense prior to the commencement of use. The applicant must notify Council immediately of the affected infrastructure.

Services

4. The applicant is responsible for the cost of any alteration to public utilities as a result of complying with conditions of this Development Permit.
5. The applicant is responsible for providing any required services to the lots, including new House Connection Branch to Council's sewer line if required.
6. The applicant is to create a sewerage easement in favour of Council minimum 3m wide connecting proposed Lot B to Council's sewer line to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement document(s) must be submitted to Council for approval by Council's solicitors at no cost to Council.

The approved easement document must be submitted at the same time as seeking Council's approval of the Plan of Survey and must be lodged and registered with the Department of Resources in conjunction with the Plan of Survey.

Cultural Heritage

7. Torres Strait Islander cultural heritage is protected under the *Torres Strait Islander Cultural Heritage Act 2003*. This Act establishes a cultural heritage duty of care and in section 23(1) mandates that a person who carries out an activity must take all reasonable and practicable measures for ensuring activities are managed to avoid or minimise harm to Torres Strait Islander cultural heritage. The Duty of Care Guidelines gazetted pursuant to the *Aboriginal Cultural Heritage Act 2003* provide guidance on identifying and protecting cultural heritage to fulfil the duty of care.

Currency

8. This approval is valid for four (4) years. A plan of survey must be lodged with Council for endorsement within this time, otherwise the approval will lapse.

Report Prepared By: RPS (Cairns) – Ian Doust R81007
Date Prepared: 10 January 2022

Considerations

Risk Management

Compliance

A landowner consent resolution was passed at the July 2021 trustee meeting to allow the development application to progress.

Extract from July 2021 trustee minutes:

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr Aven Noah

That the Trustee grant owner's consent to the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships in support of a development application (DA2021_011) for a Reconfiguration of Lot (1 into 2 Lots) over Lot 15 on SP277431 (199 and 199A Dans Road, Masig Island), on behalf of Elia Julius Billy, Edna Maku Billy and Ingvali Emanuel Billy, in relation to Land Holding Act Lease No 715653318, and authorise the Chief Executive Officer to sign the owner's consent form and, subject to local government approval, the resulting survey plans.

MOTION CARRIED

This Agenda Report deals only with the subdivision of land under the *Planning Act 2016*. While it is noted that the subdivision is for the purpose of subleasing the LHA lease to Gibson Urimah Billy, the Trustee has not yet consented to the proposed sublease or the proposed sewerage easement. On approval of the subdivision, the sub-lease will be dealt with in a separate process under the *Torres Strait Islander Land Act 1991* by the RILIPO Home Ownership Team (John Coyle). The proposed sewerage easement will also require Trustee approval.

Council Finance

No capital cost or operational cost

Financial sustainability: a fee applies for Council's endorsement of a survey plan (\$255).

Consultation:

- Ian Doust (RPS), planning consultant
- Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (DSDSATSIP)
- Cr Hilda Mosby has confirmed her support and declared a potential conflict of interest: "My COI is the owners are my aunty and uncles (mum's cousin). (Their mother and my grandmother are sisters)."

Links to Strategic Plans:

TSIRC Corporate Plan 2020–2025

Delivery Pillar: Sustainability

Outcome 5: We plan effectively for the future of our individual communities and region.

- 5.1: Ensure a clear and transparent Town and Master Planning process.

Operational Plan:

- LHA (Katter) lease resolution

Statutory Requirements:

Local Government Act 2009

Local Government Regulation 2012

Planning Act 2016

Aboriginal and Torres Strait Islander Land Holding Act 2013 (Qld)

Conclusion:

It is recommended that Council issue a Development Permit for Development Application DA09-21-12(1), recommend to the Trustee that it consent to the creation of a sewerage easement, and delegate authority to the Mayor and Chief Executive Officer each in accordance with the *Local Government Act 2009* to sign and endorse survey plan SP331535 for registration at the same time as the required sewerage easement.



Recommended:

Peter Krebs
Manager Legal Services



Endorsed:

Hollie Faithfull
Acting Chief Executive Officer



Endorsed:

Megan Barrett
Executive Director, Corporate Services



Scale @A3 1:500

GDA 1994 MGA Zone 54

- Digital Cadastral Database
- Subject site

Approximate areas of new lots
 Lot A - 2160 m²
 Lot B - 858 m²

Reconfiguration of a lot

Lot 15 on SP277431 subdivided into two new lots

Masig (Yorke Island)

Local Government Area - Torres Strait Island Regional Council

Date: 7/04/2021

Prepared by
 Remote Indigenous Land and Infrastructure Program Office
 Department of Seniors, Disability Services and Aboriginal and
 Torres Strait Islander Partnerships

Spatial data boundaries may not appear in their true ground positions over imagery.
 Boundaries shown in this mapping should be considered approximate only.
 Practical and exact boundaries will be determined by survey

Reference - J06 - 15SP277431

ALL DIMENSIONS, AREAS & EASEMENT LOCATIONS ARE SUBJECT TO FINAL SURVEY.

IMPORTANT NOTE

This plan was prepared as a concept plan only and accuracy of all aspects of the plan have not been verified. No reliance should be placed on the plan and RPS Australia East Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person who may use or rely on this plan.

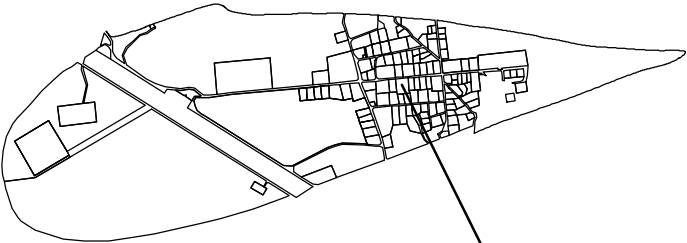
**DNRM DCDB.
DNRM AERIAL PHOTOGRAPHY.**

Based on or contains data provided by the State of Queensland (Department of Natural Resource & Mines) [2017]. In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.

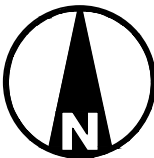
The aerial photography used in this plan has not been rectified. The image has been overlaid as a best fit on the boundaries shown and position is approximate only.

Photography publish date: Qld Globe 2018

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Site



MASIG DA09-21-12(1) Lot 15 SP277431
ROL 1 into 2 Location Plan



PRELIMINARY - FOR DISCUSSION PURPOSES ONLY

Datum: MGA94 Z55 | Scale: 1:500 @ A3 | Date: 10-01-2022 | Drawing: 10358-81

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AGENDA REPORT

ORDINARY MEETING: February 2022

DATE: 15 February 2022

ITEM: Agenda Item for Resolution by Council

SUBJECT: Development application: subdivision of Masig Lot 30
SP277431

AUTHOR: Ian Doust, RPS
Julia Maurus, Senior Legal Officer

Recommendation:

Council resolves to

- issue a Development Permit for Development Application DA09-21-12(2) 'Reconfiguration of a Lot' (1 Lot into 3 Lots) for proposed Lots 224, 225 & 226 on SP331538, cancelling Lot 30 on SP277431, with the inclusion of the conditions set out in Part 5 of the Agenda Report for Masig (Yorke Island)
- and
- Delegate authority to the Mayor and Chief Executive Officer each in accordance with the *Local Government Act 2009* to sign and endorse survey plan SP331535 for registration.

Executive Summary:



The Remote Indigenous Land and Infrastructure Program Office (RILIPO) on behalf of the Beneficiary of the *Land Holding Act* (Katter) Lease No. 715653389, Flora Mosby, seeks development approval for Reconfiguration of Lot which will result in three (3) Lots on Lot 30 on SP277431, known as 78,79 & 30 Lowatta Road, Masig.

The development proposal aims to subdivide Lot 30 SP277431 to create 3 lots:

- Site A (Proposed Lot 224) existing dwelling, 79 Lowatta Road
- Site B (Proposed Lot 225) existing dwelling, 78 Lowatta Road
- Site C (Proposed Lot 226) existing dwelling, 30 Lowatta Road

The application advises the following:

- Lot 30 is a *Land Holding Act* Lease (No. 715653389) deceased estate that is currently in the names of the original Joint Tenants, the late Joseph Mosby and the late Christina Mosby. The late Michael Massie Mosby was the original beneficiary from these two Joint Tenants. Flora Mosby inherits the lease as the beneficiary of the late Michael Mosby.
- Lot 30 is a large residential lot containing four (4) existing structures.
- A summary of the proposed subdivision & use of the sites is as follows:

Table 1: Proposed Lots			
Proposed Lots	Approx. Lot size	Existing use	Proposed use
Lot A (79 Lowatta Rd)	1,301m ²	Hi-set Private Dwelling (this will be surrendered out of Lease)	Private Residential
Lot B (78 Lowatta Rd)	1,265m ²	Seven (7) bedroom social housing dwelling constructed in 1995	Home ownership
Lot C (30 Lowatta Rd)	1,125m ²	Five (5) bedroom social housing dwelling constructed in 1986	Home ownership

The development will reconfigure Lot 30 to create three (3) lots as shown on

- Attach 1 - Proposed ROL Plan Lot 30
- Attach 2 - Location Plan 1035-82
- Attach 3 - Concurrence Agency response

There are no planning issues and the application is recommended for approval.

Background:

Comment:

1. REFERRAL AGENCY

The application was referred to the State Assessment and Referral Agency (SARA) for Coastal management purposes who conditioned the development to be undertaken in accordance with the proposed subdivision plan of Lot 30.

2. ZENADTH KES TOWN PLANNING SCHEME 2016

The proposed development is reflected below:

Strategic	Township
Zone	Township
Local Plan	Masig Island
Environmental Values	Low Environmental Value area
Potential Acid Sulphate Soils	Yes land below 5m AHD
Landslide Risk	No
Bushfire Risk	No
Coastal Management District	Yes
Erosion Prone Area	Yes
Storm Tide Inundation	Yes

Flood Hazard Area	No
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Within the TSIRC Zenadth Kes Planning Scheme, the proposed development is located within the Township Zone and is subject to Code Assessment. The proposed development has been assessed against the applicable Codes:

- Township zone code
- Masig Island Local Plan Code
- Reconfiguring a Lot Code
- Infrastructure Works Code
- Water Quality and Acid Sulfate Soils Code

The subject site is zoned for urban purposes and minimises impacts upon areas identified as having Environmental Value.

3. ENGINEERING

Water: Services exist in the street and can service the proposed lots.

Access: All proposed lots will have frontage to street and no new roadworks are required.

Electricity: (Overhead) and telecommunications (underground) exist for the properties.

Sewerage: Sewerage existing along the rear boundary of the lots.

4. PLANNING ISSUES

The Reconfiguration of a Lot requires planning approval.

The lots are well above the required minimum road frontage of 10m and the required minimum lot size of 300m² (where reticulated sewerage is available).

5. RECOMMENDATIONS

Based on the above, the recommendation is as follows:

That Council issue a Development Permit for 'Reconfiguration of a Lot' with the inclusion of the following conditions:

Approved Plans

1. The proposed development is to be undertaken in accordance with the following approved drawings

Plan/Document Number	Plan/Document Name	Date
Page 14 of application	Proposed subdivision of Lot 30 on SP277431 Masig (Yorke Island)	7-12-2020
RPS PR10358-82	Masig 1 into 3 ROL - Locality Plan	10-1-2022

subject to any alterations:

- a) found necessary by Chief Executive Officer at the time of examination of drawings or during construction of the works because of particular financial, engineering or cultural requirements and to ensure the works comply in all respects with the requirements of FNQROC Development Manual and good engineering practice; and
- b) to comply with project specific conditions

2. All works must be carried out in accordance with the approved plans, conditions and specifications, to the requirements and satisfaction of the Chief Executive Officer.

Potential Damage

3. Any existing Council infrastructure or private property (including but not limited to, services, kerb, concrete structures, pits, channel, pavement, footpath, RCP, RCBC, etc.) damaged due to the proposed works is to be rectified or replaced at the applicant's expense prior to the commencement of use. The applicant must notify Council immediately of the affected infrastructure.

Services

4. The applicant is responsible for the cost of any alteration to public utilities as a result of complying with conditions of this Development Permit.
5. The applicant is responsible for providing any required services to the lots, including new House Connection Branch to Council's sewer line if required.

Cultural Heritage

6. Torres Strait Islander cultural heritage is protected under the *Torres Strait Islander Cultural Heritage Act 2003*. This Act establishes a cultural heritage duty of care and in section 23(1) mandates that a person who carries out an activity must take all reasonable and practicable measures for ensuring activities are managed to avoid or minimise harm to Torres Strait Islander cultural heritage. The Duty of Care Guidelines gazetted pursuant to the *Aboriginal Cultural Heritage Act 2003* provide guidance on identifying and protecting cultural heritage to fulfil the duty of care.

Currency

7. This approval is valid for four (4) years. A plan of survey must be lodged with Council for endorsement within this time, otherwise the approval will lapse.

Referral Agency Conditions

8. The development must be carried out in accordance with the Referral Agency response SARA reference:2112-26468 SRA dated 20 January 2022.

Report Prepared By: RPS (Cairns) – Ian Doust R81011

Date Prepared: 21 January 2022

Considerations

Risk Management

Compliance

A landowner consent resolution was passed at the July 2021 Trustee meeting to allow the development application to progress.

Extract from July 2021 Trustee minutes:

RESOLUTION:

Moved: Cr Keith Fell; *Second:* Cr Francis Pearson

That the Trustee grant owner's consent to the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships in support of a development application (DA2020_029) for a Reconfiguration of a Lot (1 into 3 Lots) over Lot 30 on SP277431 (79, 78 & 30 Lowatta Road, Masig Island), on behalf of Flora Mosby, in relation to Land Holding Act Lease No 715653389, and authorise the Chief Executive Officer to sign the owner's consent form and, subject to local government approval, the resulting survey plans.

MOTION CARRIED

Council Finance

No capital cost or operational cost

Financial sustainability: a fee applies for Council's endorsement of a survey plan (\$255).

Consultation:

- Ian Doust (RPS), planning consultant
- Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (DSDSATSIP)
- Cr Hilda Mosby has confirmed her support and declared a potential conflict of interest: "The applicant is my relative through marriage to my late nephew."

Links to Strategic Plans:

TSIRC Corporate Plan 2020–2025

Delivery Pillar: Sustainability

Outcome 5: We plan effectively for the future of our individual communities and region.

- 5.1: Ensure a clear and transparent Town and Master Planning process.

Operational Plan:

- LHA (Katter) lease resolution

Statutory Requirements:

Local Government Act 2009


Local Government Regulation 2012

Planning Act 2016

Aboriginal and Torres Strait Islander Land Holding Act 2013 (Qld)

Conclusion:

It is recommended that Council issue a Development Permit for Development Application DA09-21-12(2), and delegate authority to the Mayor and Chief Executive Officer each in accordance with the *Local Government Act 2009* to sign and endorse survey plan SP331538 for registration.

**Recommended:**

Peter Krebs

Manager Legal Services

**Endorsed:**

Megan Barrett

Executive Director, Corporate Services



Endorsed:
Hollie Faithfull
Acting Chief Executive Officer



Scale @A3 1:500



GDA 1994 MGA Zone 54



Subject site



Digital Cadastral Database

Proposed sub division of Lot 30 on SP277431

Masig (Yorke Island)

Local Government Area - Torres Strait Island Regional Council

ALL DIMENSIONS, AREAS & EASEMENT LOCATIONS ARE SUBJECT TO FINAL SURVEY.

IMPORTANT NOTE

This plan was prepared as a concept plan only and accuracy of all aspects of the plan have not been verified. No reliance should be placed on the plan and RPS Australia East Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person who may use or rely on this plan.

DNRM DCDB.

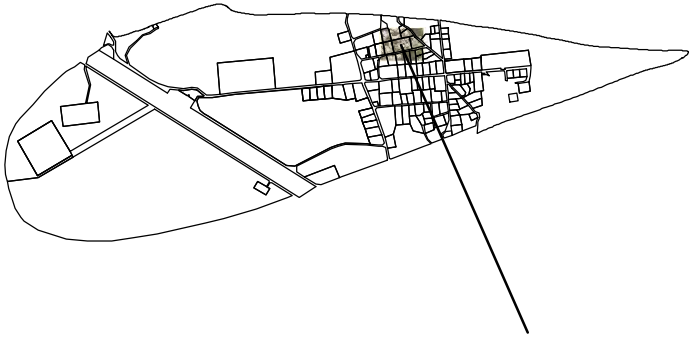
DNRM AERIAL PHOTOGRAPHY.

Based on or contains data provided by the State of Queensland (Department of Natural Resource & Mines) [2017]. In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.

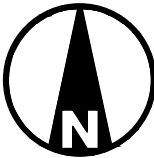
The aerial photography used in this plan has not been rectified. The image has been overlaid as a best fit on the boundaries shown and position is approximate only.

Photography publish date: Qld Globe 2018

© State of Queensland (Department of Natural Resource & Mines)



Site



MASIG DA09-21-12(2) Lot 30 SP277431
ROL 1 into 3 Location Plan
proposed Lots 224, 225 & 226



PRELIMINARY - FOR DISCUSSION PURPOSES ONLY

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Datum: MGA94 Z55 | Scale: 1:500 @ A3 | Date: 10-01-2022 | Drawing: 10358-82



SARA reference: 2112-26468 SRA
Council reference: DA09-21-12(2) 10358 L80870
Applicant reference: DA2020_029

20 January 2022

Chief Executive Officer
Torres Strait Island Regional Council
PO Box 7336
Cairns QLD 4870
info@tsirc.qld.gov.au

Dear Sir/Madam

SARA response—Lowatta Road, Masig Island

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 13 December 2021.

Response

Outcome:	Referral agency response – with conditions
Date of response:	20 January 2022
Conditions:	The conditions in Attachment 1 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3 .

Development details

Description:	Development Permit Reconfiguring a Lot – 1 into 3 Lots
SARA role:	Referral Agency
SARA trigger:	Schedule 10, Part 17, Division 3, Table 5, Item 1 (10.17.3.5.1)— Reconfiguring a lot within the erosion prone area of the coastal management district (Planning Regulation 2017)
SARA reference:	2112-26468 SRA
Assessment Manager:	Torres Strait Island Regional Council
Street address:	Lowatta Road, Masig Island

Real property description: Lot 30 on SP277431

Applicant name: The beneficiary Flora Mosby, of the Land Holding Act Lease No 715653389 (Late Joseph Mosby and late Christina Mosby – original Joint Tenants) C/- The Remote Indigenous Land and Infrastructure Program Office (RILIPO)

Applicant contact details: PO Box 5461
Cairns QLD 4870
Gerhard.Visser@atsip.qld.gov.au

Representations

An applicant may make representations to a referral agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Javier Samanes, Acting Manager (Planning), on 07 4037 3237 or via email CairnsSARA@dsdipg.qld.gov.au who will be pleased to assist.

Yours sincerely



Joanne Manson
A/Manager (Planning)

cc The beneficiary Flora Mosby, of the Land Holding Act Lease No 715653389 (Late Joseph Mosby and late Christina Mosby – original Joint Tenants) C/- The Remote Indigenous Land and Infrastructure Program Office (RILIPO), Gerhard.Visser@atsip.qld.gov.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations about a referral agency response provisions
Attachment 5 - Approved plan

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (A copy of the plan referenced below can be found at Attachment 5)

No.	Condition	Condition timing
	10.17.3.5.1—Reconfiguring a lot within the erosion prone area of the coastal management district—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Science to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition:	
1.	The development must be carried out generally in accordance with the Proposed sub division of Lot 30 on SP277431, dated 7/12/2020, reference: 36-001.	Prior to submitting the Plan of Survey to the local government for approval

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) (version 2.6). If a word remains undefined it has its ordinary meaning.

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for SARA's decision are:

The development complies with State code 8: Coastal development and tidal works of the SDAP. Specifically, the development achieves the purpose of the code as it is appropriately designed and located to:

- maintain and conserve coastal processes
- maintain appropriate public use of, and access to and along, state coastal land
- account for the projected impacts of climate change
- avoid impacts on matters of state environmental significance.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 2.6), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- *Human Rights Act 2019*.

Attachment 4—Representations about a referral agency response provisions

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Attachment 5—Approved plan

(page left intentionally blank)



PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE



SARA ref: 2112-26468 SRA

Date: 20 January 2022

Scale @A3 1:500



GDA 1994 MGA Zone 54



Subject site



Digital Cadastral Database

Proposed sub division of Lot 30 on SP277431

Masig (Yorke Island)

Local Government Area - Torres Strait Island Regional Council

3

Prepared for consideration of stakeholders by
Remote Indigenous Land and Infrastructure Program Office,
Department of Aboriginal and Torres Strait Islander Partnerships.

Spatial data boundaries may not appear in their true ground positions over imagery.
Boundaries shown in this mapping should be considered approximate only.
Practical and exact boundaries will be determined by survey.

Date: 7/12/2020 Reference -38 - 501

AGENDA REPORT

ORDINARY MEETING:	February 2022
DATE:	15 th – 16 th February 2022
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Privacy Policy update
AUTHOR:	Senior Legal Officer
PRESENTER:	Executive Director, Corporate Services

Recommendation:

That Council resolve to endorse the updated Privacy Policy, as presented.

Executive Summary:

The Senior Legal Officer conducted a review of Council's Privacy Policy in January 2022, checking for currency against the *Information Privacy Act 2009* (Qld). Updates to the policy are recommended.

Background:

Council authorised the Privacy Policy PO6 in 2017 (**Attachment 1**) and the policy has been implemented since 2013. It was last reviewed by Council in April 2017 and was due for review in June 2019.

Comment:

Since the Privacy Policy was last reviewed, the *Human Rights Act 2019* (Qld) has come into force. The human rights protected under Queensland law include, relevantly, privacy and reputation:

25 Privacy and reputation

A person has the right—

- (a) not to have the person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and
- (b) not to have the person's reputation unlawfully attacked.

It is therefore recommended that Council's Privacy Policy be expanded to affirm Council's commitment to the protection of the human rights to privacy and reputation.

The Privacy Policy PO6 is proposed to be updated to **Attachment 2** by making the following changes:

1. Update the responsible manager title from Executive Manager Corporate Services to Executive Director Corporate Services, to reflect current corporate structure.
2. Update the Corporate Plan reference on the front page.
3. Set the next review date to June 2023.
4. Add references to the *Human Rights Act 2019* (Qld) and the human right to privacy and reputation.

5. Add the following sentence (copied from Council's website privacy statement): "Council will take all reasonable and appropriate steps to protect the privacy of individuals as required by the *Information Privacy Act 2009* and the Information Privacy Principles contained in that Act."

Council's website has a detailed privacy statement and was drafted to meet best-practice guidelines from the Queensland Office of the Information Commissioner: see <http://www.tsirc.qld.gov.au/privacy>

Council's Information Privacy Procedure (last reviewed on 26 May 2017) and Right to Information Procedure (last reviewed on 26 May 2017) both fall under Council's Privacy Policy. These two procedures are currently being reviewed and updated and will be put to the CEO for approval.

The Information Privacy Procedure and Right to Information Procedure are operational documents that detail the information privacy procedure and guide information officers in processing Right to Information applications and Information Privacy applications and complaints. Information Officers are nominated by the CEO and must have satisfactory experience in dealing with Right to Information and Information Privacy requests.

Considerations

Risk Management

Statutory compliance: policies and procedures should be regularly reviewed to ensure continuing compliance, procedural review and improvement, and the adoption of best-practice processes.

Senior Legal Officer considers that the Privacy Policy, Information Privacy Procedure and Right to Information Procedure are compliant and effective, based on consideration of the information-related applications and complaints received since the policy and procedures were last reviewed. However, in 2021 it was identified through the complaint management process that there is a need to train managers on information privacy. This has been flagged for action in 2022.

Council Finance

Statutory fees apply to Right to Information applications.

Consultation:

- Manager Legal Services

Links to Strategic Plans:

Corporate Plan

- People: Outcome 4: We are a transparent, open and engaging council.

Statutory Requirements:

Local Government Act 2009 (Qld)

Right to Information Act 2009 (Qld)

Information Privacy Act 2009 (Qld)

Acts Interpretation Act 1954 (Qld)

Crime and Corruption Act 2001 (Qld)

Public Records Act 2002 (Qld)

Conclusion:

It is recommended that Council resolve to endorse the updated Privacy Policy, as presented.



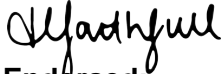
Recommended:

Peter Krebs
Manager Legal Services



Endorsed:

Megan Barrett
Executive Director, Corporate Services



Endorsed:

Hollie Faithfull
Acting Chief Executive Officer



Responsible Manager:	Executive Manager Corporate Services
Head of power:	<i>Local Government Act 2009</i> <i>(Qld) Right to Information Act</i> <i>2009 (Qld) Information Privacy</i> <i>Act 2009 (Qld) Acts</i> <i>Interpretation Act 1954 (Qld)</i> <i>Crime and Corruption Act 2001 (Qld)</i> <i>Public Records Act 2002 (Qld)</i>
Authorised by:	Council
Authorised on:	April 2017
Implemented from:	2013
Last reviewed:	2017
Review history:	2013, 2014, 2015
To be reviewed on:	June 2019
Corporate Plan:	Governance

1. POLICY STATEMENT

Council is committed to:

- a) facilitating a right of access to all information in Council's possession or under Council's control unless, on balance, it is contrary to the public interest to give such access [including but not limited to reasons for administrative decisions]; and
- b) maintaining a culture of openness, accountability and transparency, balanced with appropriate protection for certain information, in administering its obligations under the *Information Privacy Act 2009* (Qld) and *Right to Information Act 2009* (Qld).

2. SCOPE

This Policy applies to all Council employees, Councillors, contractors and agents of Council.

3. AUTHORISATION

This page and the previous bearing my initials was/were duly authorised by Council as the Torres Strait Island Regional Council Privacy Policy on 31 May 2017 and shall hereby supersede any previous policies of the same intent.



Chris McLaughlin
Acting Chief Executive Officer

DATE: 31 May 2017

Privacy Policy

Responsible Manager	Executive Director Corporate Services
Head of power	<i>Local Government Act 2009 (Qld)</i> <i>Right to Information Act 2009 (Qld)</i> <i>Information Privacy Act 2009 (Qld)</i> <i>Human Rights Act 2019 (Qld)</i> <i>Acts Interpretation Act 1954 (Qld)</i> <i>Crime and Corruption Act 2001 (Qld)</i> <i>Public Records Act 2002 (Qld)</i>
Authorised by	Council
Authorised on	
Implemented from	2013
Last reviewed	February 2022
Review history	2013, 2014, 2015, 2017
To be reviewed on	June 2023
Corporate Plan	People Outcome 4: We are a transparent, open and engaging council.

1. Purpose

Council is strongly committed to ensuring that the local government principles and the human right to privacy and reputation are reflected in:

- a) facilitating a right of access to all information in Council's possession or under Council's control unless, on balance, it is contrary to the public interest to give such access [including but not limited to reasons for administrative decisions]; and
- b) maintaining a culture of openness, accountability and transparency, balanced with appropriate protection for certain information, in administering its obligations under the *Information Privacy Act 2009* (Qld) and *Right to Information Act 2009* (Qld).

2. Application

This Policy applies to all Council employees, Councillors, contractors and agents of Council.

3. Legislation/Policies

This policy is established with reference to obligations specified in the *Local Government Act 2009* (Qld), *Right to Information Act 2009* (Qld), *Information Privacy Act 2009* (Qld), *Human Rights Act 2019* (Qld), *Acts Interpretation Act 1954* (Qld), *Crime and Corruption Act 2001* (Qld) and the *Public Records Act 2002* (Qld).

Council will take all reasonable and appropriate steps to protect the privacy of individuals as required by the *Information Privacy Act 2009* and the Information Privacy Principles contained in that Act.