



Minutes

ORDINARY COUNCIL MEETING

23-24 January 2024

MINUTES: Ordinary Council Meeting – January 2024

[Confirmed @ February 2024 Ordinary Council Meeting]

PRESENT:

Councillors

Mayor

Division 2 – Dauan
Division 3 – Saibai
Division 4 – Mabuag
Division 5 – Badu
Division 6 – Arkai
Division 8 – Kirirri
Division 9 - Iama
Division 10 – Warraber
Division 11 – Poruma

Division 12 – Masig
Division 13 - Ugar
Division 14 - Erub
Division 15 – Mer

Cr Phillemon Mosby
Cr Torenzo Elisala
Cr Conwell Tabuai
Cr Keith Fell
Cr Ranetta Wosomo
Cr Lama Trinkoon
Cr Seriako Dorante
Cr Getano Lui (Jnr) AM (**Deputy Mayor**)
Cr Kabay Tamu
Cr Francis Pearson ** joined meeting at 11.20am
(inclement weather impacting earlier IT attempts
to join meeting)*
Cr Hilda Mosby
Cr Rocky Stephen
Cr Jimmy Gela
not represented

Officers:

Chief Executive Officer	Mr James William
Executive Director Building Services	Mr Wayne Green
Executive Director Community Services	Mr Dawson Sailor
Executive Director Corporate Services	Ms Susanne Andres
Executive Director Engineering Services	Mr David Baldwin
Executive Director Financial Services	Ms Hollie Faithfull
Executive Assisting the Executive Director Corporate Services	Mr Gary Stevenson PSM
Executive Support Coordinator	Ms Sharon
Executive Assistant to the Mayor Secretariat	Russell Ms Trudy
	Lui Darryl Brooks

APOLOGIES:

Division 1 - Boigu
Division 7 – Wug (St Pauls)

Cr Dimas Toby – *Sorry Business*
Cr John Levi ** unable to join meeting due to
inclement weather impacting on IT technology*

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1. Welcome & Quorum Confirmation

The Mayor formally opened the January 2024 Ordinary Council Meeting at 10.45am, noting that a quorum of members were present.

Mayor Mosby welcomed attendees and made the following acknowledgements:

- The Traditional Custodians of the Cairns region whose Country has been hosting this month's meeting of the SARG Committee;
- The Traditional Custodians throughout Zenadth Kes and the communities and constituents that Council serves; and
- Our Heavenly Father for his awesome wisdom, knowledge, understanding, favour and blessings throughout our lives.

The Chief Executive Officer (James William) also took the opportunity to formally introduce Ms Susanne Andres who was recently appointed to the role of Executive Director Corporate Services. The Chief Executive Officer also thanked Mr Gary Stevenson PSM for agreeing to fill the role of Executive Director Corporate Services in the short-term prior to the appointment of Ms Andres and for his invaluable contributions to the role during that time.

The Council welcomed Ms Andres and formally thanked and acknowledged Mr Stevenson for his outstanding contributions during the past couple of months.

2. Apologies (Day 2)

The following apologies were noted:

Division 1 - Boigu

Cr Dimas Toby

Division 7 – Wug (St Pauls)

Cr John Levi

RESOLUTION

Moved: Cr Rocky Stephen

Second: Cr Ranetta Wosomo

Council accepts the apology of Cr Dimas Toby for the January 2024 Council Ordinary Meeting and approves the payment of the Councillor's Monthly Meeting Allowance.

CARRIED UNANIMOUSLY

RESOLUTION

Moved: Cr Torenzo Elisala

Second: Cr Ranetta Wosomo

Council accepts the apology of Cr John Levi for the January 2024 Council Ordinary Meeting and approves the payment of the Councillor's Monthly Meeting Allowance.

CARRIED UNANIMOUSLY

3. Conflict of Interest (COI) - Declarable/Prescribed

The Mayor invited Councillors to make any relevant conflict of interest declarations and to also advise if they were currently involved in any legal proceedings which pertain to Ordinary Council business to be considered at the meeting.

No declarations were made.

4. Confirmation of Council Ordinary Meeting Minutes - December 2023

RESOLUTION

Moved: Cr Kabay Tamu

Second: Cr Rocky Stephen

Council agrees that the Minutes for the Council Ordinary Meeting held on 12-20 December 2023 are confirmed as a true and accurate record of that meeting.

CARRIED UNANIMOUSLY

5. Ratification of Economic Growth Committee Meeting Draft Minutes – 15 December 2023

RESOLUTION

Moved: Cr Ranetta Wosomo

Second: Cr Hilda Mosby

Council ratifies the Draft Minutes of the Economic Growth Committee Meeting held on 15 December 2023.

CARRIED UNANIMOUSLY

6. Ratification of the Culture, Arts, Land and Heritage Committee Meeting Draft Minutes – 11 January 2024

RESOLUTION

Moved: Cr Conwell Tabuai

Second: Cr Torenzo Elisala

Council ratifies the Draft Minutes of the Culture, Arts, Land and Heritage Committee Meeting held on 11 January 2024.

CARRIED UNANIMOUSLY

7. Action Items from Previous Ordinary Council Meetings

The Chief Executive Officer provided the Council with a verbal update on the status of Action Items arising from the previous meeting, as well as outstanding action items from previous meetings.

Action:

Chief Executive Officer to provide Mayor with a list of action items within the 10-day timeline following each meeting of Council.

- *Cr Francis Pearson joined the meeting at 11.20am following resolution of IT connectivity issues due to inclement weather.*

8. Mayor Report - January 2024

The Mayor spoke to his report to Council for January 2024. The report was noted by Council.

9. Chief Executive Officer Report – December 2023

The Chief Executive Officer spoke to his report to Council for January 2024. The report was noted by Council.

- *Council adjourned for lunch break from 12.15pm to 1.15pm*

10. BUILDING SERVICES: Building Services Report – December 2023

The Executive Director Building Services (Mr Wayne Green) spoke to this report. The report was noted by Council.

11. CORPORATE SERVICES: Community Grants Program Allocation – December 2023

OFFICER RECOMMENDATION:

Council resolves to:

(a) *allocate Community Grants Program funding to the following applicants in accordance with the Community Grants Policy:*

- *Dhahdin Geai Warriors for the available amount of \$10,000.00, exclusive of GST;*

Note: Badu fund balance of \$882.29 will not be sufficient to support the application of \$10,000.00;

(b) *note this report of grant applications processed out-of-cycle and funeral donations provided in January 2024 in accordance with the Community Grants policy.*

Mr Gary Stevenson PSM (Executive Assisting the Executive Director Corporate Services) spoke to this report.

➤ *No resolution taken by Council.*

Action:

Executive Director Corporate Services to ensure follow-up undertaken with applicant by the Community Grants Officer to clarify issues around the funding application and what that funding will be used for.

12. CORPORATE SERVICES: Funding Acquisition Report (December 2023)

OFFICER RECOMMENDATION:

That Council resolves to note this report and its content.

Mr Gary Stevenson PSM (Executive Assisting the Executive Director Corporate Services) spoke to this report. The report was noted by Council.

13. CORPORATE SERVICES: Delegations Update

RESOLUTION

Moved: Cr Keith Fell

Second: Cr Torenzo Elisala

1. Updates to existing delegations:

That, pursuant to section 257 of the *Local Government Act 2009*, Council delegate to the Chief Executive Officer the exercise of powers under the following statutory instruments and these powers must be exercised subject to Ailan Kastom and any limitations contained in Schedule 2 of the Instruments of Delegation (consistent with Attachment 12 of Council's briefing report):

Statutory Instrument:	The powers delegated are contained in Schedule 1 of the Instrument of Delegation attached to Council's briefing report as:
State Penalties Enforcement Act 1999 ("SPEA")	Attachment 1
Residential Tenancies and Rooming Accommodation Regulation 2009 (Qld) (RTRR)	Attachment 2
Heavy Vehicle National Law (Qld) (HVNL) – minor technical corrections only	Attachment 3
Heavy Vehicle (Mass, Dimension and Loading) National Regulation (Qld) (HVNR) – minor technical corrections only	Attachment 4
Industrial Relations Act 2016 (Qld) (INRA)	Attachment 5
Public Health Act 2005 (Qld) (PUHA)	Attachment 6
Plumbing and Drainage Regulation 2019 (Qld) (PLDR)	Attachment 7
Land Act 1994 (Qld) (LANA) *Trustee resolution also required	Attachment 8
Residential Tenancies and Rooming Accommodation Act 2008 (RTRA)	Attachment 9
Waste Reduction and Recycling Act 2011 (WRRRA)	Attachment 10
Biosecurity Regulation 2016 (BIOR)	Attachment 11

2. Annual confirmation of existing delegations:

That, pursuant to section 257 of the *Local Government Act 2009*, Council renew its delegation to the Chief Executive Officer to exercise powers under the following statutory instruments and these powers must be exercised subject to the consolidated "Schedule 2 Standard Limitations to the Exercise of Power" contained in Attachment 12 of Council's briefing report:

Statutory Instrument:	The powers delegated are contained in Schedule 1 of the Instrument of Delegation attached to Council's briefing report as:
Aboriginal Cultural Heritage Act 2003 (ACHA)	Attachment 13
Acquisition of Land Act 1967 (ACLA)	Attachment 14

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Animal Care & Protection Act 2001 (ACPA)	Attachment 15
Animal Management (Cats and Dogs) Act 2008 (AMCD)	Attachment 16
Biosecurity Act 2014 (BIOA)	Attachment 17
Building Act 1975 (BUIA)	Attachment 18
Building Regulation 2021 (BUIR)	Attachment 19
Coastal Protection and Management Act 1995 (CPMA)	Attachment 20
Disaster Management Act 2003 (DIMA)	Attachment 21
Disaster Management Regulation 2014 (DIMR)	Attachment 22
Environmental Protection Act 1994 (ENPA)	Attachment 23
Environmental Protection Regulation 2019 (ENPR)	Attachment 24
Environment Protection (Water) Policy 2019 (EPWP)	Attachment 25
Fire and Emergency Services Act 1990 (FESA)	Attachment 26
Food Act 2006 (FOOA)	Attachment 27
Housing Act 2003 (HOUA)	Attachment 28
Housing Regulation 2003 (HOUR)	Attachment 29
Information Privacy Act 2009 (INPA)	Attachment 30
Land Regulation 2020 (LANR)	Attachment 31
Land Title Act 1994 (LATA) <i>*Trustee resolution also required</i>	Attachment 32
Liquor Act 1992 (LIQA)	Attachment 33
Local Government Act 2009 (LOGA)	Attachment 34
Local Government Regulation 2012 (LOGR)	Attachment 35
Mineral Resources Act 1989 (MIRA) <i>*Trustee resolution also required</i>	Attachment 36
Public Health (Infection Control for Personal Appearance Services) Act 2003 (PHIC)	Attachment 37
Public Interest Disclosure Act 2010 (PIDA)	Attachment 38
Planning Act 2016 (PLAA)	Attachment 39
Planning Regulation 2017 (PLAR)	Attachment 40
Plumbing and Drainage Act 2002 (PLDA)	Attachment 41
Plumbing and Drainage Act 2018 (PLDA)	Attachment 42
Public Health Regulation 2018 (PUHR)	Attachment 43
Public Records Act 2002 (PURA)	Attachment 44
Queensland Heritage Act 1992 (QUHA)	Attachment 45
Right to Information Act 2009 (RTIA)	Attachment 46
Standard Plumbing and Drainage Regulation 2003 (SPDR)	Attachment 47
Transport Operations (Road Use Management) 1995 (TORA)	Attachment 48
Tobacco and Other Smoking Products Act 1998 (TOSP)	Attachment 49
Transport Infrastructure Act 1994 (TRIA)	Attachment 50
Water Act 2000 (WATA)	Attachment 51
Water Regulation 2016 (WATR)	Attachment 52
Work Health and Safety Act 2011 (WHS)	Attachment 53
Waste Reduction & Recycling Regulation 2011 (WRRR)	Attachment 54
Water Supply (Safety and Reliability) Act 2008 (WSSR)	Attachment 55

3. Powers not delegated

And that Council resolve not to delegate any of its powers under the following statutory instruments, as this legislation is not relevant to Council's local government area or (in the case of NDDF) it is not appropriate to delegate because land issues should be put to the trustee and council:

- (a) *Building Units and Group Titles Act 1980 (BUGT)*
- (b) *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011 (NDDF)*
- (c) *Stock Route Management Act 2002 (SRMA)*
- (d) *Stock Act 1915 (STOA)*

CARRIED UNANIMOUSLY

14. CORPORATE SERVICES: Community Radio

OFFICER RECOMMENDATION:

That Council:

1. *Notes the renewal of licenses update provided in this brief;*
2. *Endorses the representations made to the Australian Communications and Media Authority;*
3. *Authorises the Chief Executive Officer to facilitate an expression of interest process to identify a suitable service broadcaster; and*
4. *Requests the Chief Executive Officer to present expressions of interest to the Council as soon as practicable after the 2024 local government election for consideration of a recommendation to Council in April/May 2024. receive and endorse the monthly financial statements attached to the Officer's Report for the 2023-2024 year to date, for the period ended 30 November 2023, as required under Section 204 Local Government Regulation 2012.*

RESOLUTION

Moved: Cr Ranetta Wosomo

Second: Cr Conwell Tabuai

Council:

1. **Notes the renewal of licenses update provided in this brief;**
2. **Endorses the representations made to the Australian Communications and Media Authority;**
3. **Authorises the Chief Executive Officer to facilitate an expression of interest process to identify a suitable service broadcaster; and**
4. **Requests the Chief Executive Officer to present expressions of interest to the Council as soon as practicable after the 2024 local government election for consideration of a recommendation to Council in April/May 2024.**

CARRIED UNANIMOUSLY

15. CORPORATE SERVICES: Change of Date & Venue Confirmation – March 2024 Ordinary Council Meeting

OFFICER RECOMMENDATION:

That Council resolves to conduct the March 2024 Ordinary Council meeting on Iama Island on 12-13 March 2024.

Mr Gary Stevenson PSM (Executive Assisting the Executive Director Corporate Services) spoke to this report.

- *Councillors were reluctant to endorse the officer recommendation prior to the confirmation of the schedule for pre-poll mobile voting booths for their Divisions prior to the 2024 Local Government Elections.*
- *No resolution taken by Council.*

Action:

Executive Director Corporate Services to resubmit brief to February 2024 Ordinary Council Meeting following consultation with the Executive Director Community Services and confirmation of the schedule for pre-poll mobile voting booths for their Divisions prior to the 2024 Local Government Elections.

16. CORPORATE SERVICES: Advancing the Masig Statement

RESOLUTION

Moved: Cr Ranetta Wosomo

Second: Cr Kabay Tamu

Council:

1. Adopts the report entitled "Advancing the Masig Statement - a 100 year journey to Ailan governance" and expresses appreciation to the report's author Ms Sandy Killick of Democracy Matters;
2. Requests the Chief Executive Officer to strengthen the report by describing the process of drafting, agreeing and endorsing the Masig Statement which would allow regional stakeholders to identify with the document;
3. Adopts the Masig Statement Action Plan;
4. Requests the Chief Executive Officer to allocate action responsibilities to relevant officers for further development of the actions, outcomes and timing;
5. Requests the Chief Executive Officer to incorporate the report findings into relevant strategic Council documents including the next version of Council's Corporate Plan;
6. Requests the Chief Executive Officer to prepare and submit to Council, a three-year Advocacy Strategy with a clear focus on the Commonwealth Government's next election to secure support/commitment to meaningfully advance the attainment of Masig Statement objectives no later than the end of May 2024;
7. Requests the Chief Executive Officer to prepare and submit to Council, a three-year Community Engagement Strategy (including activation of the regional Taskforce) to engender community awareness and enduring commitment to meaningfully influence relevant Commonwealth and State Government policy and financial settings no later than the end of May 2024;

8. Requests the Chief Executive Officer to change Council's website to include a dedicated page called "The journey to Ailan sovereignty by 2037" no later than the end of May 2024, with the web page to include promotion of the Action Plan, the Advocacy Strategy and the Community Engagement Strategy and that the case study 'Delivering climate suitable, healthy and affordable housing the Ailan way' be published as an example of a 'look, listen, adapt approach' and that other case studies using the Ailan Way be added over time;
9. Requests the Chief Executive Officer to include adequate provision in the draft 2024/25 operational budget to facilitate the implementation of relevant stages of the Action Plan and the implementation of the Advocacy Plan and the Community Engagement Plan;
10. Requests the Chief Executive Officer to report to Council post-election on the merit of establishing a role for one of Council's Standing Committees to monitor progress on advancing the Masig Statement.

CARRIED UNANIMOUSLY

17. FINANCIAL SERVICES: Financial Dashboard Report - December 2023

OFFICER RECOMMENDATION:

That the Council receive and endorse the monthly financial statements attached to the Officer's Report for the 2023-2024 year to date, for the period ended 31 December 2023, as required under Section 204 Local Government Regulation 2012.

RESOLUTION

Moved: Cr Rocky Stephen

Second: Cr Ranetta Wosomo

That the Council receive and endorse the monthly financial statements attached to the Officer's Report for the 2023-2024 year to date, for the period ended 31 December 2023, as required under Section 204 Local Government Regulation 2012.

CARRIED UNANIMOUSLY

18. MOVE INTO CLOSED BUSINESS

RESOLUTION

Moved: Cr Ranetta Wosomo

Second: Cr Francis Pearson

Council resolves to close the meeting to the public pursuant to *Section 254J of the Local Government Regulation 2012* to allow the Council to discuss items listed on the agenda under Closed Business and for the reasons outlined under those items.

CARRIED UNANIMOUSLY

27. MOVE OUT OF CLOSED BUSINESS

RESOLUTION

Moved: Cr Kabay Tamu

Second: Cr Keith Fell

That Council resolve to re-open the meeting to the public pursuant to *Section 254I of the Local Government Regulation 2012*.

CARRIED UNANIMOUSLY

28. CONSIDERATION OF MATTERS DISCUSSED IN CLOSED BUSINESS

- Cr Seriako Dorante declared a COI and Material Personal Interest in relation to AI 19 (Seaswift Litigation Update) and dialed-out of the meeting at 2.15pm. At the conclusion of discussions on this agenda item, Cr Dorante was invited to rejoin the meeting and did so at 2.45pm.

19. CHIEF EXECUTIVE OFFICER: Seaswift Litigation Update

RESOLUTION

Moved: Cr Keith Fell

Second: Cr Ranetta Wosomo

Council resolves:

- 1. That pursuant to section 235(b) of the *Local Government Regulation 2012 (Qld)* it would be impractical or disadvantageous for Council to invite quotes or tenders for the provision of the required legal services to deal with the Sea Swift Matters due to the specialised, confidential, and legally privileged nature of the services.**
- 2. That under section 257 of the *Local Government Act 2009*, Council empower the Chief Executive Officer to:**
 - a. Negotiate, execute, amend, discharge, terminate and/or renew any existing, or new litigation funding agreement as the Chief Executive Officer considers appropriate, taking into account any advice from HFW;**
 - b. Negotiate, execute, amend, discharge, terminate and/or renew any client costs agreement with HFW for such law firm to provide legal services with regards the Sea Swift Matters on terms the Chief Executive Officer considers appropriate, provided such client costs agreement is on materially the same terms as the current retainer with Clyde & Co, or no worse terms;**
 - c. Provide instructions to HFW in respect of the Sea Swift Matters, including in respect of any settlement negotiations;**
 - d. Terminate any client costs agreement with Clyde & Co.**
- 3. Council directs the Chief Executive Officer to report periodically to Council on the progress of the Sea Swift Matters.**

CARRIED

- *Council supported a request by Cr Kabay Tamu for the Chief Executive Officer / Executive Director Corporate Services to be mindful of Councillors' Register of Interests when matters are being considered by Council.*

20. CHIEF EXECUTIVE OFFICER: Iama (Yam) Island, Deeds of Grant in Trust

RESOLUTION

Moved: Cr Rocky Stephen

Second: Cr Keith Fell

That Council:

1. continue to challenge the Decisions of the Minister for Resources with respect to the transfer of the Iama Island Deeds of Grant in Trust, but participate in any dispute resolution / negotiation with the RNTBC and the Minister for Resources that may arise; and
2. pursuant to section 257 of the *Local Government Act 2009*, delegate power to the Chief Executive Officer to conduct the proceedings on Council's behalf, and participate in any dispute resolution/negotiation that may arise, including exercising the following powers, as the Chief Executive Officer considers appropriate:
 - Section 148F(2) *Local Government Act 2009* (Power to make all inquiries the Chief Executive Officer considers to be reasonable to find out whether and to what extent the register or record is incorrect/power to direct an authorised person to make such enquiries.)
 - Section 148G(2) *Local Government Act 2009* (Power to, in the circumstances in subsection (1) require a person to give information or produce a document, or direct an authorised person to require a person to give information or produce a document.)
 - Section 265A(1)(b) *Local Government Act 2009*.)
 - Section 49(2) *Human Rights Act 2019* (Power, as a party to a proceeding before a court, in the circumstances in subsection 49(1), to make an application to have the proceeding referred to the Supreme Court.)
 - Section 52(1)(a) *Human Rights Act 2019* (Power, as a party to a proceeding in the Supreme Court or District Court, to give notice in the approved form to the Attorney- General and the commission if: (a) a question of law arises that relates to the application of the Act; or (b) a question arises in relation to the interpretation of a statutory provision in the Act.)
 - Section 52(1)(b) *Human Rights Act 2019* (Power, as a party to a proceeding, to give notice in the approved form to the Attorney-General and the commission if a question is referred to the Supreme Court under section 49.)
 - Section 90B *Local Government Act 2009* (Power to apply to the Minister for Housing, Local Government and Planning and Minister for Public Works for approval to make a major policy decision.)
 - Section 236 *Local Government Act 2009* (Power to sign a document on behalf of a local government as a delegate of the local government.)
 - Section 237 *Local Government Act 2009* (Power to start a proceeding in the name of Council.)
 - Section 239 *Local Government Act 2009* (Power to effect substituted service.)
 - Section 240(1) *Local Government Act 2009* (Power to authorise an employee in any legal proceedings
 - (a) to give instructions and act as the authorised agent for the local government; and

(b) sign all documents for the local government.)

- Section 262 *Local Government Act 2009* (Power to do anything that is necessary or convenient for performing the responsibilities of the local government under a Local Government Act.)
- Section 268A of the *Local Government Act 2009* (Power to conduct a Voluntary poll of the electors in its area or a part of its area on any issue of concern to the area or part.)
- Section 32 *Judicial Review Act 1991* (Power to seek reasons for a decision.)

CARRIED UNANIMOUSLY

21. CORPORATE SERVICES: Fuel and Fleet Update

Mr Gary Stevenson PSM (Executive Assisting the Executive Director Corporate Services) spoke to this report. The report was noted by Council.

Action:

1. Executive Director Corporate Services to follow up on a request from Cr Keith Fell for the Manager Fuel and Fleet to visit Mabuiag (and all Divisions preferably) for on-ground briefing in relation to local requirements.
2. Executive Director Corporate Services / Manager Fuel and Fleet to contact Cr Francis Pearson to provide an update on the fuel bowser situation on Poruma.
3. Executive Director Corporate Services to brief Council on contingency fuel supplies across the TSIRC footprint.

22. CORPORATE SERVICES: Torres Strait Islander Flag Policy

RESOLUTION

Moved: Cr Torenzo Elisala

Second: Cr Ranetta Wosomo

That Council:

1. Decline statutory licensing royalties from the Copyright Agency on the basis of Council's policy that Council does not seek any financial reimbursement for the use of the Torres Strait Islander flag image; and
2. Endorse the draft Torres Strait Islander Flag Policy for the purposes of undertaking a community consultation process.

CARRIED UNANIMOUSLY

➤ Council meeting adjourned (3.00pm to 3.10pm) to allow Councillors a short break.

23. CORPORATE SERVICES: Mirabou Energy – Renewable Energy Project

RESOLUTION

Moved: Cr Ranetta Wosomo

Second: Cr Francis Pearson

Council:

1. Affirms Council's overall objectives as follows:
 - to facilitate and support the establishment of a commercially sustainable business model for microgrids comprising Behind the Meter (BTM) renewable energy (solar) and controlled demand infrastructure and grid Battery Energy Storage System (BESS) units across all Torres Strait Island communities;
 - to make a substantial improvement to community air pollution standards by contributing to reducing greenhouse gas emissions, and
 - to provide a platform for employment and the professional development of Torres Strait Islanders in the renewable energy and electricity sector;
2. Acknowledges the perceived conflict of interest of the Chief Executive Officer and that his involvement in the Mirabou Energy - Renewable Energy Project will be managed by continued consultation with members of the Executive Leadership Team and with the oversight of the Mayor;
3. Affirms Council's support in principle for the Mirabou Energy - Renewable Energy Project subject to the following to be pursued in strategic partnership with Mirabou Energy Pty Ltd and Mirabou Energy Remote Power Systems Pty Ltd in a timely manner:
 - due diligence investigations into key implications and risks;
 - statutory approvals being obtained as required;
 - statutory compliance being achieved;
 - appropriately planned and staged community engagement; and
 - satisfactory negotiation of the Master Agreement in good faith;
4. Instructs the Chief Executive Officer in consultation with the Executive Leadership Team to undertake the following with progressive reporting to Council:
 - conduct due diligence investigations into key implications and risks;
 - make appropriate enquiries and take necessary steps to obtain relevant statutory approvals;
 - ensure Council's statutory compliance is achieved at all times;
 - prepare and implement plans for staged community engagement, particularly for Pilot communities;
 - negotiate the terms of a Master Agreement with due regard for Council's financial and reputational risks and its sustainable involvement in the project (short-term and long-term); and
 - report back to Council with draft Master Agreement for Council's approval.
5. Acknowledges Mirabou Energy's proposal for Council to apply a procurement exemption under section 235(b) of the *Local Government Regulation 2012* for delivery of the Master Agreement, but declines to do so until such time that it is satisfied that matters identified in recommendation 4 are progressed sufficiently.

6. Acknowledges Mirabou Energy's late proposal for the following specific minor projects to be undertaken at Council's cost as practical interim progress towards the overall project objectives while due diligence and negotiation on the Master Agreement takes place:
 - Site Inspection and Design (one island); and
 - Council's Energy Requirements Analysis;
7. Acknowledges that the Chief Executive Officer in consultation with the Executive Leadership Team intends to negotiate terms with Mirabou Energy Pty Ltd and Mirabou Energy Remote Power Systems Pty Ltd to deliver the following projects within operational budget capacity, in accordance with Procurement and Ethical Sourcing Policy requirements and in particular ensuring that they offer value for money:
 - Site Inspection and Design (one island); and
 - Council's Energy Requirements Analysis;
8. Resolves that because of the specialised nature of the following services, it would be impractical within the required timeframe to invite quotes:
 - Site Inspection and Design (one island); and
 - Council's Energy Requirements Analysis.

CARRIED UNANIMOUSLY

- *Cr Jimmy Gela declared a COI in relation to AI 24 (Beneficial Enterprise Proposal) due to his dual responsibilities as a PBC office-holder.*
- *Council agreed that other Councillors who held dual responsibilities as PBC office-holders should also exclude themselves from deliberations.*
- *The following Councillors dialed-out of the meeting at 3.30pm:*
 - *Cr Jimmy Gela*
 - *Cr Kabay Tamu*
 - *Cr Francis Pearson*
 - *Cr Torenzo Elisala*
- *At the conclusion of discussions on this agenda item, these Councillors were invited to rejoin the meeting and did so at 3.35pm.*

24. CORPORATE SERVICES: Beneficial Enterprise Proposal

RESOLUTION

Moved: Cr Keith Fell

Second: Cr Hilda Mosby

That Council:

1. Supports in principle the establishment of a beneficial enterprise to deliver services under the Commonwealth Government's Community Development Program,
2. Acknowledges the proposed joint venture by Enterprise Management Group Pty Ltd,
3. Authorises the Chief Executive Officer to negotiate and execute a non-binding Memorandum of Understanding with Enterprise Management Group Pty Ltd with a relatively focussed scope,
4. Requests the Chief Executive Officer to undertake the following in a timely manner;
 - Conducting due diligence investigations into legal, financial, regulatory, and operational aspects,
 - Preparing joint venture business plans including (but not limited to) budgets, policies, procedures and strategic and operational plans,

- Negotiating joint venture agreements including (but not limited to) constitution, shareholders' agreement, deed of confidentiality, dividend policy and service plans,
 - Making appropriate enquiries and take necessary steps to obtain relevant statutory approvals,
 - Ensuring Council's statutory compliance is achieved at all times,
 - Preparing community engagement plans, and
 - Preparing an Advocacy and Engagement Plan to engage with Commonwealth Government about Community Development Program reform opportunities.
5. Requests the Chief Executive Officer to report back to Council at the earliest opportunity as developments require Council determination.

CARRIED

25. ENGINEERING SERVICES: Mer Desalination Refurbishments

RESOLUTION

Moved: Cr Ranetta Wosomo

Second: Cr Francis Pearson

Council resolves to:

1. Award the Mer Desalination Refurbishments project to Northern Water Pty Ltd for an amount of up to \$467,866.00 excluding GST; and
2. Pursuant to section 257 of the *Local Government Act 2009*, to delegate to the Chief Executive Officer:
 - power to make, amend or discharge the Mer Desalination refurbishment project; and
 - power to negotiate, finalise and execute any and all matters associated with or in relation to this project and contract including without limitation any options and/or variations as per Council's procurement and ethical sourcing policy.

CARRIED UNANIMOUSLY

26. ENGINEERING SERVICES: Capital Works Projects Update

The Executive Director Engineering Services (Mr David Baldwin) spoke to this report. The report was noted by Council.

29. BUSINESS ARISING (*from Information Reports*)

Nil.

30. STRATEGIC MATTERS

- (a) Cr Getano Lui (Jnr) AM recommended that Council keep the focus on **securing 5-year funding agreements/commitments** from governments.
- (b) Cr Rocky Stephen suggested that the Council's **TAP aspirations** be alerted to the incoming Council.

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- (c) Cr Keith Fell advised Council that there remains concerning **delays in mail delivery** to the Divisions and requested that this matter continue to be a focus for discussions with Australia Post.

Action:

Executive Director Community Services to follow-up discussions with Australia Post in relation to mail deliveries across the TSIRC footprint.

- (d) Cr Keith Fell enquired if **support would be available from the Electoral Commission of Queensland for the upcoming Local Government elections**. Mr Gary Stevenson PSM (Executive Assisting the Executive Director Corporate Services) advised that relevant links were sent out to Councillors on 4 January 2024 and that additional updates will be provided to Councillors as soon as information is available (including any planning training sessions for potential candidates throughout the TSIRC footprint).

- (e) Cr Keith Fell also requested that Councillors could be provided with **speaking points in relation to the status of Council's Divestment Policy** be provided for communication to communities.

Action:

Executive Director Corporate Services to prepare speaking points in relation to the status of Council's Divestment Policy for communication to communities.

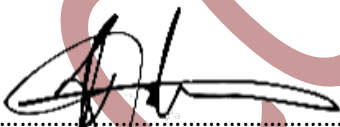
31. Next Council Meeting Date: 20-21 February 2024 (TEAMS)

Noted by Council.

32. Official Close & Prayer

The Mayor thanked Councillors, Executives and Staff for their contributions for this first meeting of Council in 2024.

The Mayor then advised that Council wished to proceed into a closed session (Councillors only) and all staff were requested to leave the meeting at 4.30pm.



Mr James William
Chief Executive Officer
Torres Strait Island Regional Council
Date: 20 February 2024



Cr Phillemon Mosby
Mayor
Torres Strait Island Regional Council
Date: 20 February 2024