



## September 2022

## Division 11, Poruma

**COUNCIL ORDINARY MEETING**  
**Tuesday, 20<sup>th</sup> September 2022**  
**Agenda Items:**

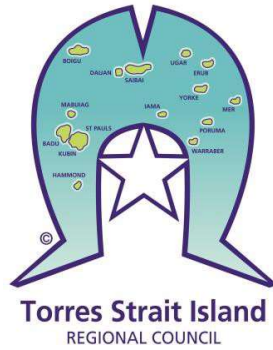
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|-----|--------------------------|---|
| 1.  | <u>10:45am – 10:50am</u> | <u>Welcome and Opening Remarks</u>  |
| 2.  | <u>10:50am – 10:55am</u> | <u>Apologies</u>  |
| 3.  | <u>10:55am – 10:55am</u> | <u>Declaration of Conflict of Interest (COI) (Prescribed and Declarable)</u>  |
| 4.  | <u>10:55am – 11:00am</u> | <u>Confirmation of Previous Council Ordinary Meeting Minutes</u> <ul style="list-style-type: none"><li>• 24<sup>th</sup> August 2022</li></ul>                                      |
| 5.  | <u>11:00am – 11:05am</u> | <u>Confirmation of Climate Adaptation and Environment Committee Minutes</u> <ul style="list-style-type: none"><li>• 16<sup>th</sup> August 2022</li></ul>                           |
| 6.  | <u>11:05am – 11:15am</u> | <u>Outstanding Council Ordinary Meeting Action Items</u>  |
| 7.  | <u>11:15am – 11:15am</u> | <u>COUNCIL MOVES INTO CLOSED BUSINESS</u>   |
| 8.  | <u>11:15am – 11:45am</u> | <u>FINANCE – CB – Financial Dashboard Report – August 2022</u>  |
| 9.  | <u>11:45pm – 12:05pm</u> | <u>BUILDING – CB – BSU Update</u>   |
| 10. | <u>12:05pm – 12:25pm</u> | <u>ENGINEERING – CB – Award Tender No. TSIRC 2021-337 Badu Wells Access Road Culvert Upgrade</u>  |
| 11. | <u>12:25pm – 12:45pm</u> | <u>ENGINEERING – CB – Contractual Matter – Variation to contract TSIRC 2021-349 ICCIP Project #53 – Masig Lagoon Cover Replacement</u>  |
| 12. | <u>12:45pm – 1:00pm</u>  | <u>ENGINEERING – CB – Rescind resolution for Contract TSIRC 2021-355 Hammond Island DRFA Works</u>  |
| -   |                          | <b><u>LUNCH 1:00PM – 2:00PM</u></b>   |
| 13. | <u>2:00pm – 2:25pm</u>   | <u>ENGINEERING - CB – Rescind resolution for Contract TSIRC 2021-356 DRFA Works (Badu Island)</u>   |
| 14. | <u>2:25pm – 2:55pm</u>   | <u>ENGINEERING – CB – Rescind resolution for Contract TSIRC 2021-357 Various Islands DRFA Works (Kubin, Mabuiag, St Pauls, Iama, Warraber, Erub, Mer, Ugar, Masig &amp; Poruma)</u> |
| 15. | <u>2:55pm – 3:20pm</u>   | <u>ENGINEERING– CB – TSIRC Fuel Price Update</u>  |
|     |                          | <b><u>AFTERNOON TEA 3:20PM – 3:40pm</u></b>   |
| 16. | <u>3:40pm – 3:40pm</u>   | <u>COUNCIL MOVES OUT OF CLOSED BUSINESS AND RESUMES IN OPEN BUSINESS</u>  |
| 17. | <u>3:40pm – 4:05pm</u>   | <u>CORPORATE – Funding Acquisition Report</u>   |
| 18. | <u>4:05pm – 4:20pm</u>   | <u>CORPORATE – Community Grants Program Allocation – August 2022</u>  |
| 19. | <u>4:20pm – 4:40pm</u>   | <u>CORPORATE – Policy Matter – Climate Change Policy</u>  |
| 20. | <u>4:40pm – 4:55pm</u>   | <u>LEGAL – Complaints Policies and Annual Report</u>  |
| 21. | <u>4:55pm – 5:00pm</u>   | <u>Closing Remarks and Prayer</u>   |

**COUNCIL ORDINARY MEETING**  
**Wednesday, 21<sup>st</sup> September 2022**  
**Agenda Items:**

- |     |                         |   |
|-----|-------------------------|---|
| 22. | <u>9:00am – 9:10am</u>  | <u>Welcome and opening prayer.</u>  |
| 23. | <u>9:10am – 9:40am</u>  | <u>BUILDING – Contractual Matter – TSIRC 2021-336 Construction Only</u><br><u>Dauan Island Multipurpose Court</u> |
| 24. | <u>9:40am – 9:55am</u>  | <u>CORPORATE – Change of October OM Meeting Date</u>  |
| 25. | <u>9:55am – 10:30am</u> | <u><b>Deputation 1</b>   Torres and Cape Health Care (TORCH) Project <b>(TBC)</b></u>                             |

**MORNING TEA – 10:30AM – 10:45AM**

- |     |                          |   |
|-----|--------------------------|---|
| 26. | <u>10:45am – 11:15am</u> | <u><b>Deputation 2</b>   Australian Border Force and Defence <b>(TBC)</b></u>       |
| 27. | <u>11:15am – 11:45am</u> | <u><b>Deputation 3</b>   Department of Foreign Affairs and Trade</u>                |
| 28. | <u>11:45am – 11:50am</u> | <u>Business Arising from Information Reports</u>                                    |
| 29. | <u>11:50am – 11:50am</u> | <u>Next Council Meeting Date – 18<sup>th</sup> and 19<sup>th</sup> October 2022</u> |
| 30. | <u>11:50am – 12:05am</u> | <u>Strategic Matters</u>  |
| 31. | <u>12:05am – 12:10pm</u> | <u>Closing Remarks and Prayer</u>   |



# Draft Minutes

TORRES STRAIT ISLAND REGIONAL COUNCIL

August 2022

Wednesday 24<sup>th</sup> August 2022, 10:55am – 4:30pm

Division 12, Masig

**COUNCIL ORDINARY MEETING**  
**Wednesday, 24<sup>th</sup> August 2022**

**PRESENT:**

Cr Phillemon Mosby, Mayor  
Cr Dimas Toby, Division 1 – Boigu  
Cr Torenzo Elisala, Division 2 – Dauan  
Cr Keith Fell, Division 4 – Mabuiag  
Cr John Levi, Division 7 – Wug (St Pauls), Mua Island  
Cr Getano Lui Jnr, Deputy Mayor, Division 9 – Iama (Yam)  
Cr Kabay Tamu, Division 10 – Warraber (Sue)  
Cr Francis Pearson, Division 11 – Poruma (Coconut)  
Cr Hilda Mosby, Division 12 – Masig (Yorke)  
Cr Rocky Stephen, Division 13 – Ugar (Stephen)  
Cr Jimmy Gela, Division 14 – Erub (Darnley)

**STAFF:**

Mr James William, Chief Executive Officer (CEO)  
Ms Hollie Faithfull, Executive Director, Financial Services (EDFS)  
Mr David Baldwin, Executive Director, Engineering Services (EDES)  
Mr Dawson Sailor, Head of Community Services (HOCS)  
Mr Wayne Green, Executive Director, Building Services (EDBS)  
Mrs Ursula Nai, Senior Executive Assistant to the CEO (SEA)  
Ms May Mosby, Acting Secretariat Officer

**APOLOGIES:**

Cr Conwell Tabuai, Division 3 – Saibai  
Cr Laurie Nona, Division 5 – Badu  
Cr Lama Trinkoon, Division 6 – Kubin (Arkai), Mua Island  
Cr Seriako Dorante, Division 8 – Kirriri (Hammond)  
Cr Aven Noah, Division 15 – Mer (Murray)  
Mr Peter Krebs, Acting Executive Director, Corporate Services (A/EDCS)

**COUNCIL ORDINARY MEETING**  
**Wednesday, 24<sup>th</sup> August 2022**  
**Agenda Items:**

1. **10:55am – 11:09am** **Welcome and Opening Remarks**

Mayor Phillemon Mosby reconvened the Council Ordinary Meeting for the month of August and welcomed back Councillors, Chief Executive Officer and Executive Staff.

Mayor Mosby acknowledged the commitment and dedication of staff whom worked hard behind the scenes with the preparations of August 23 celebrations to make this a successful event. Mayor Mosby stated the feedback received from stakeholders and community members were immeasurable. Mayor Mosby also praised the A23 Catering Team, Divisional Staff of Division 12, Masig and Cr Hilda Mosby for their outstanding work preparing for the celebrations. Deputy Mayor, Cr Getano Lui spoke further on the celebrations and the importance of the Masig Statement.

Mayor Mosby asked that letters of appreciation be done to all sponsors of the August 23 celebrations and sent from Council to thank all sponsors including Torres Shire Council, Northern Peninsula Area Regional Council (NPARC) and TSRA (Torres Strait Regional Authority).

**ACTION:** That Chief Executive Officer send letters of appreciation to thank the following sponsors for their sponsorships: Kailag Enterprises Limited, Seawift, 51<sup>st</sup> Army Reserve, Masigal PBC, TSRA, Mirabou and GBK. Torres Shire Council and Northern Peninsula Area Regional Council (NPARC).

2. **11:09am – 11:11am** **Apologies**

- Cr Aven Noah, Division 15 – Mer – sorry business (bereavement leave)
- Cr Conwell Tabuai, Division 3 – Saibai – work commitment, requested to dial in
- Cr Laurie Nona, Division 5 – Badu – family personal leave (overseas)
- Cr Lama Trinkoon, Division 6 – Kubin – requested to dial in
- Cr Seriako Dorante, Division 8 – Hammond – work commitments, requested to dial in

**Cr Aven Noah**

**RESOLUTION:**

*Moved: Cr Keith Fell; Second: Cr Torenzo Elisala*

That Council accepts the apology of Cr Aven Noah for the August 2022 Ordinary meeting.

**MOTION CARRIED UNANIMOUS**

**Cr Conwell Tabuai**

**RESOLUTION:**

*Moved: Cr Torenzo Elisala; Second: Cr Keith Fell*

That Council accepts the apology of Cr Conwell Tabuai for the August 2022 Ordinary meeting.

**MOTION CARRIED UNANIMOUS**

**Cr Laurie Nona**

**RESOLUTION:**

*Moved: Cr Francis Pearson; Second: Cr Hilda Mosby*

That Council accepts the apology of Cr Laurie Nona for the August 2022 Ordinary meeting.

**MOTION CARRIED UNANIMOUS**

**Cr Lama Trinkoon**

**RESOLUTION:**

*Moved: Cr Torenzo Elisala; Second: Cr Jimmy Gela*

That Council accepts the apology of Cr Lama Trinkoon for the August 2022 Ordinary meeting.

**MOTION CARRIED UNANIMOUS**

**Cr Seriako Dorante**

**RESOLUTION:**

*Moved: Cr Jimmy Gela; Second: Cr Francis Pearson*

That Council accepts the apology of Cr Seriako Dorante for the August 2022 Ordinary meeting.

**MOTION CARRIED UNANIMOUS**

3. **11:11am – 11:13am** **Declaration of Conflict of Interest (COI) (Prescribed and Declarable)**

Cr Keith Fell declared a Prescribed Conflict of Interest in Council Meeting Agenda Item 8 – CORPORATE – Community Grant Program as he is a team member of the Mabuiag Darts Team and therefore a related party under s150EP. Cr Keith Fell declared an interest under s150EQ(4).

Cr Keith Fell proposed to leave and stay away from the place where the meeting is being held while the matters are discussed and voted on.

Cr Keith Fell declared a Prescribed Conflict of Interest in Council Meeting Agenda Item 8 – CORPORATE – Community Grant Program as he is a Coordinator of Wug Sporting Association and therefore a related party under s150EP. Cr Keith Fell declared an interest under s150EQ(4).

Cr Keith Fell proposed to leave and stay away from the place where the meeting is being held while the matters are discussed and voted on.

Cr John Levi declared a Prescribed Conflict of Interest in Council Meeting Agenda Item 8 – CORPORATE – Community Grant Program as he is a team member of the Wug Sporting Association and therefore a related party under s150EP. Cr John Levi declared an interest under s150EQ(4).

Cr John Levi proposed to leave and stay away from the place where the meeting is being held while the matters are discussed and voted on.

Cr Francis Pearson declared a Prescribed Conflict of Interest in Council Meeting Agenda Item 8 – CORPORATE – Community Grant Program from St Andrew's Church as he is involved in the project and therefore a related party under s150EP. Cr Francis Pearson declared an interest under s150EQ(4).

Cr Francis Pearson proposed to leave and stay away from the place where the meeting is being held while this matter is discussed and voted on.

4. **11:13am – 11:18am** **Confirmation of Previous Council Ordinary Meeting Minutes – Day 1**

- 19<sup>th</sup> July 2022

**RESOLUTION:**

*Moved: Cr Francis Pearson; Second: Cr Jimmy Gela*

That Council resolves to accept the minutes of the Ordinary Meeting held on 19<sup>th</sup> July 2022 to be a true and accurate account of that meeting.

**MOTION CARRIED UNANIMOUS**

**Day 2**

- 20<sup>th</sup> July 2022

**RESOLUTION:**

*Moved: Cr Francis Pearson; Second: Cr Torenzo Elisala*

That Council resolves to accept the minutes of the Ordinary Meeting held on 20<sup>th</sup> July 2022 to be a true and accurate account of that meeting.

**MOTION CARRIED UNANIMOUS**

5. **11:18am – 11:19am** **Confirmation of Previous SARG Committee Minutes**

- 2<sup>nd</sup> August 2022

**RESOLUTION:**

*Moved: Cr Keith Fell; Second: Cr Jimmy Gela*

That Council resolves to accept the minutes of the Strategic Advisory Reference Group (SARG) held on 2<sup>nd</sup> August 2022, to be a true and accurate account of that meeting.

**MOTION CARRIED UNANIMOUS**

6. **11:19am – 12:03pm** **Outstanding Council Ordinary Meeting Action Items**

Chief Executive Officer, Mr James William provided an update on the current action items and gave an opportunity for Leading Executive Staff to provide updates on their actions.

**ACTION:** Chief Executive Officer to undertake an IT review.

As connectivity is still an ongoing issue, it is recommended that IT Services team member be in attendance at the next Council meeting at Poruma.

11:39am – Cr Francis Pearson left the meeting.  
11:41am – Cr Francis Pearson re-joined meeting.  
11:42am – Mrs Ursula Nai left the meeting.  
11:50am – Mrs Ursula Nai re-joined he meeting.  
11:55am – Cr Getano Lui left the meeting.  
12:00pm – Cr Getano Lui re-joined the meeting.

**ACTION:** That Head of Community Services present the asbestos report to Council.

7. **12:03pm – 12:14pm** **CORPORATE – Funding Acquisition Report**

Chief Executive Officer, Mr James William spoke to the report.

**RESOLUTION:**

*Moved: Cr Kabay Tamu; Second: Cr Dimas Toby*  
That Council resolves to note the report and its content.

**MOTION CARRIED UNANIMOUS**

**ACTION:** That Acting Executive Director Corporate Services to separate recurrent funding from new grant applications.

8. **12:14pm – 12:39pm** **CORPORATE – Community Grant Program – August 2022**

Executive Director Financial Services, Ms Hollie Faithfull spoke to the report on the following Community Grants Applications for the month of August 2022.

**Argun Warriors**

**RESOLUTION:**

*Moved: Cr Rocky Stephen; Second: Cr John Levi*

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

- Argun Warriors for the eligible amount of \$5,000.00 exclusive of GST, as per submitted application noting that Argun Warriors applied for \$10,000.00.

**MOTION CARRIED UNANIMOUS**

**Mulga Tigers**

**RESOLUTION:**

*Moved: Cr John Levi; Second: Cr Francis Pearson*

- Mulga Tigers for the eligible amount of \$2,500.00 exclusive of GST, as per submitted application.

**MOTION CARRIED UNANIMOUS**

**Mulga Juniors**

**RESOLUTION:**

*Moved: Cr Keith Fell; Second: Cr Jimmy Gela*

- Mulga Juniors for the eligible amount of \$2,000.00 exclusive of GST, as per submitted application.

**MOTION CARRIED UNANIMOUS**

**Church of the Living God – Mabuyag Island**

**RESOLUTION:**

*Moved: Cr Keith Fell; Second: Torenzo Elisala*

- Church of the Living God for the eligible amount of \$2,500.00 exclusive of GST, as per submitted application noting that Church of the Living God – Mabuyag Island applied for \$3,957.24.

**MOTION CARRIED UNANIMOUS**



12:20pm – Cr Francis Pearson left the meeting due to a conflict of interest below.

12:22pm – Cr Francis Pearson re-joined the meeting.

**St Andrew's Church**

**RESOLUTION:**

*Moved: Cr Keith Fell; Second: Cr Kabay Tamu*

- St Andrew's Church for the eligible amount of \$2,000.00 exclusive of GST, as per submitted application.

**MOTION CARRIED UNANIMOUS**

**Kulpiyam Youth & Sport Inc**

**RESOLUTION:**

*Moved: Cr Keith Fell; Second: Torenzo Elisala*

- Kulpiyam Youth & Sport Inc for the eligible amount of \$2,500.00 exclusive of GST, as per submitted application.

**MOTION CARRIED UNANIMOUS**

**Opped Makrem Rugby League Team**

**RESOLUTION:**

*Moved: Cr Torenzo Elisala; Second: Cr Jimmy Gela*

- Opped Makrem Rugby League Team for the eligible amount of \$10,000.00 exclusive of GST, as per submitted application.

**MOTION CARRIED UNANIMOUS**

12:25pm – Cr Keith Fell left the meeting due to a conflict of interest below.

12:29pm – Cr Keith Fell re-joined the meeting.

**Mabuiag Darts Team**

**RESOLUTION:**

*Moved: Cr Dimas Toby; Second: Cr Francis Pearson*

- Mabuiag Darts Team for the eligible amount of \$2,500.00 exclusive of GST, as per submitted application noting that Mabuiag Darts Team applied for \$2,848.00.

**MOTION CARRIED UNANIMOUS**

**Mabuygiw Garkaziw Kupai TSI Corporation**

**RESOLUTION:**

*Moved: Cr Keith Fell; Second: Cr Dimas Toby*

- Mabuygiw Garkaziw Kupai TSI Corporation for the eligible amount of \$2,000.00 exclusive of GST, as per submitted application.

**MOTION CARRIED UNANIMOUS**

**Mabuygiw Garkaziw Kupai TSI Corporation**

**RESOLUTION:**

*Moved: Cr Kabay Tamu; Second: Cr John Levi*

- Mabuygiw Garkaziw Kupai TSI Corporation for the eligible amount of \$2,000.00 exclusive of GST, as per submitted application.

**MOTION CARRIED UNANIMOUS**

12:32pm – Cr John Levi left the meeting due to a conflict of interest below.

12:33pm – Cr Keith Fell left the meeting due to a conflict of interest below.

12:35pm – Cr Keith Fell re-joined the meeting.

12:38pm – Cr John Levi re-joined the meeting.

**Wug Sporting Association**

**RESOLUTION:**

*Moved: Cr Torenzo Elisala; Second: Cr Dimas Toby*

- Wug Sporting Association for the eligible amount of \$3,000.00 exclusive of GST, as per submitted application.

**MOTION CARRIED UNANIMOUS**

**Individual Applicant:**

**Annie David**

**RESOLUTION:**

*Moved: Cr Jimmy Gela; Second: Cr Francis Pearson*

- Annie David for the eligible amount of \$2,500.00 exclusive of GST, as per submitted application.

**MOTION CARRIED UNANIMOUS**

9. **12:40pm – 12:40pm** **COUNCIL MOVES INTO CLOSED BUSINESS**

**RESOLUTION:**

*Moved: Cr Torenzo Elisala; 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:

(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.

10. **BUILDING – BSU Update**

11. **FINANCE – CB – Financial Dashboard Report – August 2022**

**LUNCH: 12:57PM – 1:47PM**

12. **1:47pm – 1:47pm** **COUNCIL MOVES OUT OF CLOSED BUSINESS AND RESUMES IN OPEN BUSINESS**

**RESOLUTION:**

*Moved: Cr John Levi; Second: Cr Rocky Stephen*

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

**MOTION CARRIED UNANIMOUS**

**Resolutions and minutes for noting following closed business:**

10. **12:40am – 12:00pm** **BUILDING – CB – BSU Update**

**RESOLUTION:**

*Moved: Cr John Levi; Second: Cr Torenzo Elisala*

Council resolves to note the Building Services Report for July.

**MOTION CARRIED UNANIMOUS**

11. **1:43pm – 1:46pm** **FINANCE – CB – Financial Dashboard Report – July 2022**

**RESOLUTION:**

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

That Council receive and endorse the monthly financial statements attached to the officer's report for the 2022-23 year to date, for the period ended 31 July 2022, as required under Section 204 *Local Government Regulation 2012*.

**MOTION CARRIED UNANIMOUS**

13. **1:49pm – 2:27pm** **Deputation 1 | Mr Fraser Nai, Co Founder and Mr John Palmer Business Partner – Strait Experience**

Mayor Mosby welcomed Mr Fraser Nai (Co-founder) and Mr John Palmer (Business partner) of Strait Experience Pty Ltd to the meeting. Fraser and John gave a presentation of their newly based company, Strait Experience, an online travel agent and regional tourism office.

14. **2:27pm – 2:28pm** **Business Arising from Information Reports**

Due to connectivity issues Councillors were unable to access the Information Reports on their surfaces.

15. **2:30pm – 2:35pm** **Next Council Meeting Date – 20<sup>th</sup> and 21<sup>st</sup> September 2022**  
**- Poruma**

16. **2:35pm – 3:47pm** **Strategic Matters**

**Cr Francis Pearson:**

Cr Pearson queried whether there are additional assistance with accommodation allowance whilst boarding with families privately.

**ACTION: Acting Executive Director Corporate Services to review policy of Councillors being paid boarding allowance whilst boarding privately.**

**Cr DimasToby:**

Cr Toby raised safety concerns regarding a recent incident involving the Council building on Boigu and asked whether the Council building could be fenced off as security measures for the building and staff.

Mayor Mosby advised that this matter will need the support of the full Council.

**Cr Rocky Stephen:**

Cr Stephen spoke on the State Cabinet coming to the region and the importance of having Council's representation at the cabinet meeting to put forward concerns and matters relating to the Masig Statement.

**Cr Keith Fell:**

Cr Fell spoke on the Standing Committees and papers presented at standing committee meetings and supporting departments of each portfolios of any issues or concerns.

**Deputy Mayor Cr Getano Lui:**

Cr Lui spoke on a formal resolution by council for the masig statement in adopting the masig statement so that the Masig Statement could be on the agenda when Cabinet sits.

3:05pm – Cr Torenzo Elisala left the meeting.

3:07pm – Cr Torenzo Elisala re-joined the meeting.

3:05pm – Cr John Levi left the meeting.

3:10pm – Cr John Levi re-joined the meeting.

An indepth discussions were had with regards to the resolution for the Masig Statement.

Further advice was sought from MacDonnells and Donna at Peak Services with regards to the resolution.

**RESOLUTION:**

*Moved by Cr Getano Lui; Second: Cr Keith Fell*

Council resolve to adopt the Masig Statement as presented at the 85<sup>th</sup> Year Anniversary of the First Island Councillors Conference held on Yorke Island on the 23<sup>rd</sup> August 2022:

**THE MASIG STATEMENT**

23 August 2022

**MALUNGU YANGU WAKAY**

The Voice from the deep

**PURPOSE**

To establish principles and parameters on behalf of the people of the Torres Strait and Northern Peninsula Area to act together in unity, in order to pursue and achieve self-determination and regional autonomy and, in so doing, preserve our distinctive and diverse spiritual, material and economic relationship with the lands, territories, waters, coastal seas and other resources with which we have a connection under Ailan Kastom and Aboriginal tradition.

**AIMS**

1. *In accordance with Article 3 of the United Nations Declaration on the Rights of Indigenous Peoples adopted by the United Nations General Assembly on 13<sup>th</sup> September 2007 and supported by the Australian Government on 3<sup>rd</sup> April 2009 and the Preamble of the Human Rights Act 2019 (Qld), we seek to achieve our right to self-determination as the peoples of the Torres Strait and Norther Peninsula Area.*

2. *By virtue of our sovereign right, we have the right to freely determine our political status and to freely pursue our economic, social and and cultural development.*
3. *In keeping with Article 4 of the United Nations Declaration on the Rights of Indigenous Peoples, in exercising our right to self-determination, we have the right to autonomy or self-government in matters relating to our internal and local affairs, as well as ways and means for financing their autonomous functions.*
4. *Therefore, we will create partnerships with Key Regional Stakeholderss, the Queensland and Australian governments together with other relevant organisations to better equip us to work together to achieve our regional goals and aspirations; and in working together as representatives of the peoples of the Torres Strait and Northern Peninsula Area obtain and safeguard our human rights enshrined in international, national and Queensland law.*

**PAST** 23 August 1937 was the beginning of regional autonomy – The Torres Strait Island Councillors Conference.

**PRESENT** 23 August 2022 is the beginning of a new beginning, a culturally united path to regional sovereignty – The MASIG Statement.

**FUTURE** 23 August 2037 will be the beginning of regional sovereignty.

Council resolves to align its current and future efforts to realising the aspirations and goals of its constituents as expressed in the Masig Statement.

**MOTION CARRIED UNANIMOUS**

**Review of Council Meeting Agenda:**

**ACTION:** Chief Executive Officer to do a review of the Agenda to reduce operational matters.

**Mayor Mosby:**

Mayor Mosby brought up the November Workshop in Cairns and whether two weeks is viable or reduce to one week?

Discussions were had on the importance of having a two week workshop rather than one week to focus on strategic matters especially the endorsement of the Masig Statement.

**Cr Keith Fell:**

Cr Fell brought to Council's attention of TSRA cutting back on the Healthy Lifestyle Officers' funding in September.

17. **3:47pm – 3:48pm** **Closing Remarks**

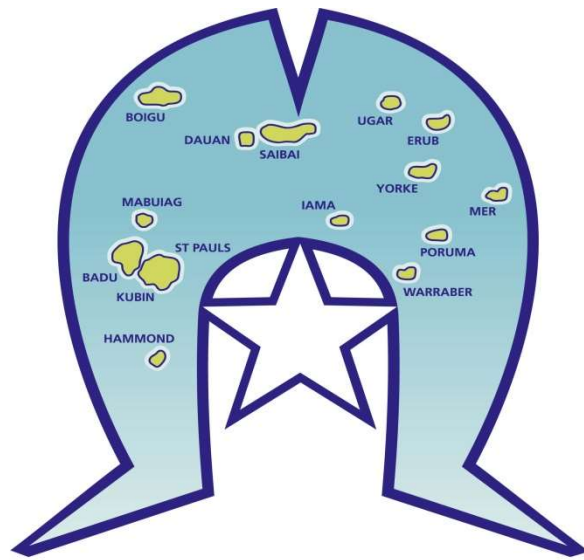
Mayor Mosby thanked Chief Executive Officer, Mr James William and Executive Staff for their attendance and contribution to the meeting and asked staff to leave the meeting for a closed Council session.

3:48pm - For Minutes taking purposes, staff were asked to leave the meeting.

**MEETING CLOSED – 4:30PM**

.....  
Mr James William  
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

## CLIMATE CHANGE ADAPTATION AND ENVIRONMENT COMMITTEE

Date: Tuesday, 16<sup>th</sup> August 2022

Time: 10:08am – 11:11am

Venue: Video Conference #7 – 0299 165 401

**PRESENT:**

Cr Hilda Mosby – Chair, Division 12 – Masig (Yorke)

Cr Seriako Dorante – Committee Member, Division 8 – Kirirri (Hammond)

**APOLOGY:**

Cr Kabay Tamu, Division 10 – Warraber – Boundary Marking Project (GBK) - Warraber

**STAFF:**

Mr David Baldwin, Executive Director Engineering Services

Mr Peter Krebs, Acting Executive Director Corporate Services

Ms May Mosby, Acting Secretariat Officer

## **Agenda**

### **1. Welcome (Chair)**

Chair, Cr Hilda Mosby welcomed everyone to the meeting today and acknowledged the traditional landowners of the land we meet.

Meeting commenced at 10:08am.

### **2. Opening Prayer**

Cr Hilda Mosby invited Cr Seriako Dorante to open with a word of prayer.

### **3. Apology**

- Cr Kabay Tamu, Division 10, Warraber – attendance at a boundary marking project (GBK) at Warraber.

#### **RESOLUTION:**

*Move: Cr Hilda Mosby; Second: Cr Seriako Dorante*

**That the Climate Change Adaptation and Environment Committee accepts the apology of Cr Kabay Tamu for his absence at this meeting.**

**MOTION CARRIED UNANIMOUS**

Cr Dorante also advised that he may have to dial out of the meeting after an hour or so due to his busy work schedule.

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

Cr Hilda Mosby declared her conflict of interest on the following position:

- Board member of Torres Strait Island Regional Authority and holds the Environmental portfolio.

### **5. Noting of previous Ratified minutes – 11<sup>th</sup> March 2022**

The Committee notes the previous Ratified Minutes of 11<sup>th</sup> March 2022. Mr Peter Krebs, Acting Executive Director Corporate Services/Manager Legal Services advised that a resolution to move and second the ratified minutes is not required.

### **6. Action Items List**

No action items.

### **7. Climate Change Engagement Policy**

Mr Peter Krebs, Acting Executive Director Corporate Services spoke to the report. Seeking endorsement of the committee to take to full council to be made a formal policy and engagement procedure.

Chair and Committee acknowledged and thanked Mr Peter Krebs and Mr David Baldwin for putting together the Climate Change Policy.



Cr Dorante asked if the main key areas could be incorporated into the report to the full Council so Council will have a clear understanding around the policy going forward.

**ACTION: Acting Executive Director Corporate Services to ensure the main key areas are incorporated into the Climate Change Engagement Policy when presented to full Council.**

**RESOLUTION:**

*Move: Cr Hilda Mosby; Second: Cr Seriako Dorante*

That the Climate Change Adaptation and Environment Committee note the information contained in this report and recommend the Climate Change Policy for endorsement by Council.

**MOTION CARRIED UNANIMOUS**

**8. TS Regional Climate Change Workshop June 2022 (verbal) – Information Report**

Mr David Baldwin provided a verbal update to the Committee regarding the two (2) day workshop on Thursday Island in June as being productive and the discussions had around culture and climate change and what it means for our decisions making methods.

Mr Baldwin mentioned that he received an email from John Rainbird from TSRA regarding the outcome of the workshop which he will distribute to the Committee. The Torres Strait Regional Adaptation and Resilience Plan of 2016-2021 will be revised from what came out of the workshop.

**ACTION: Executive Director Engineering Services to email the Committee the outcome of the June Workshop on Thursday Island.**

Mr Baldwin also mentioned that he received confirmation of funding of around \$200k - \$300k through the Queensland Resilience and Reduction Fund to employ a Coastal Hazard Resilience Officer for a term of 2 years. This position will be responsible for implementing a variety of activities aimed at improving community resilience to coastal hazards; improving communities' resilience to coastal hazards achieved through enhancing an understanding and awareness of coastal hazards risks.

**ACTION: Executive Director Engineering Services to provide the Committee out of session, an email about the role and responsibility of the Coastal Hazard Resilience Officer.**

This role will work with alongside Mr Colin Messa, Waste and Biosecurity Officer on Masig and other Sustainability Officers.

**9. Environment and Health Workshop June 2022 (verbal) – Information Report**

Mr David Baldwin provided a verbal update on the above Workshop. The workshop was held in June in Cairns for a week and was organised by Mr Ewan Gunn and his Environmental Health Team. David attended and opened the workshop in the absence of the CEO at the time. In attendance were some of the Engineering staff such as Jarrah Doran-Smith, Adeah Kabai, Mat Brodbeck, Amanda Pearce and Robert Seekee. Focus was around biosecurity and waste management. Moving forward, the Environmental Health team and Engineering team will work more hand in hand.

**10. COMMITTEE MOVES INTO CLOSED BUSINESS**

**RESOLUTION:**

*Move: Cr Hilda Mosby; Second: Cr Seriako Dorante*

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:

(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**

- 11. **Metal Waste Legacy Clean-up**
- 12. **Seawalls Program (verbal)**

Advice was provided to Cr Seriako Dorante that he is not required to declare a conflict of interest as employee of Seaswift as the report is based around funding issues with regards to the project and Cr Dorante therefore could remain in the meeting.

**13. COMMITTEE MOVES OUT OF CLOSED BUSINESS RESUME IN OPEN BUSINESS**

**RESOLUTION:**

*Move: Cr Seriako Dorante; Second: Cr Hilda Mosby*

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

**MOTION CARRIED UNANIMOUS**

**Resolution for noting following closed business:**

**Metal Waste Legacy Cleanup**

**RESOLUTION:**

*Move: Cr Hilda Mosby; Second: Cr Seriako Dorante*

That the Climate Change Adaption and Environment Committee note this report.

**MOTION CARRIED UNANIMOUS**

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

Chair, Cr Hilda Mosby spoke on climate change affecting our communities.

Mr David Baldwin advised that there are presently two vacancies in the Engineering Dept. The Water and Wastewater and Project Engineer. The Water and Wastewater position will look at our emissions footprints however, we have CHAS (Coastal Hazard Adaptation Strategy).

**ACTION:** Executive Director Engineering Services to provide Committee with an update on CHAS at the next Committee meeting.

**15. Next meeting date**

Wednesday, 28<sup>th</sup> September 2022

**16. Closing Prayer**

Chair, Cr Hilda Mosby thanked everyone for their attendance and invited Cr Seriako Dorante to close the meeting in a word of prayer.

**MEETING CLOSED – 11:11AM**

.....  
Mr James William  
Chief Executive Officer  
Torres Strait Island Regional Council  
Date:

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

**STRATEGIC AND OPERATIONAL ACTIONS FROM ORDINARY MEETING AND EXECUTIVE - PLUS OPERATIONAL ACTIONS ONLY FROM SARG TO BE INPUT ONTO THIS DOCUMENT #8507**

Date	Month of Meeting	Year	Type of Meeting	Community	Agenda Report	Action	Lead Officer	Advisory Officer	Budgets -	PIs -	Lead Officer Comments	ETA
24	August	2022	Ordinary	Masig	Letters of Appreciation - August 23 Celebrations	That Chief Executive Officer send letters of appreciation to thank the following sponsors for their sponsorships: Kailag Enterprises Limited, Seawift, 51 <sup>st</sup> Army Reserve, Masigal PBC, TSRA, Mirabou and GBK. Torres Shire Council and Northern Peninsula Area Regional Council (NPARC).	Chief Executive Officer				The letters are under review for final approval and distribution	
24	August	2022	Ordinary	Masig	Outstanding Council Ordinary Meeting Action Items - IT improving video conference and connectivity at Council meetings	Chief Executive Officer to undertake an IT review.	Chief Executive Officer				Currently in progress	
24	August	2022	Ordinary	Masig	Outstanding Ordinary Meeting Action Items	That Head of Community Services present the asbestos report to Council.	Head of Community Services				Currently in progress, the Head of Community Services is liaising with BSU for further information and this report will be presented at October OM	
24	August	2022	Ordinary	Masig	CORPORATE - Funding Acquisition Report	That Acting Executive Director Corporate Services to separate recurrent funding from new grant applications on the Funding Acquisition report.	Acting Executive Director Corporate Services					
24	August	2022	Ordinary	Masig	Strategic Matters review of	Acting Executive Director Corporate Services to review policy of Councillors being paid boarding allowance whilst boarding privately.	Acting Executive Director Corporate Services					
24	August	2022	Ordinary	Masig	Strategic Matters	Chief Executive Officer to do a review of the Agenda to reduce operational matters.	Chief Executive Officer				Currently in progress	



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT

<b>ORDINARY MEETING:</b>	September 2022
<b>DATE:</b>	20 <sup>th</sup> & 21 <sup>st</sup> September 2022
<b>ITEM:</b>	Agenda Report
<b>SUBJECT:</b>	Funding Acquisition Report
<b>AUTHOR:</b>	Melissa Wright - Acting Manager Enterprise Development & Delivery

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### **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 August 2022 within the Chief Executive Officer's financial delegation limit of \$1,000,000 as per Council's Strategic External Grant Funding Policy:

- Torres Strait Regional Authority  
85<sup>th</sup> Anniversary of the 1<sup>st</sup> Councillor Conference Funding  
\$110,000.00
- Department of Communities, Housing and Digital Economy  
Queensland Community Support Scheme  
\$40,184.00
- Department of Seniors, Disability Services, & Aboriginal & Torres Strait Islander Partnerships  
Domestic and Family Violence Plan  
Extension of Time
- Torres Strait Regional Authority  
Ugar Helicopter Subsidy  
\$132,024

The following is a list of all new agreements that were executed during the month of August 2022, that were outside the Chief Executive Officer's financial delegation limit of \$1,000,000 but had received formal resolution through a Council Ordinary Meeting.

- Queensland Reconstruction Authority  
17.2021 – Reconstruction of Essential Public Assets – Dauan Reservoir Road  
\$2,992,809.20

### Current Application Status Report:

The following table highlights all funding applied for during this financial year, including details on their outcome 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
<b>Reporting period - 1 July 2022 – 31 August 2022</b>					
National Australia Bank- NAB Foundation Community Grants	\$10,000	To fund education and awareness activities which promote and encourage sustainable and integrated practices.	31 <sup>st</sup> August 2022	Pending	The outcome of this funding is expected by October 2022.
Department of Environmental Science- Looking After Country Grant Program	\$75,000	To fund activities outlined in newly developed Feral Horse Management Program 2022/2023. Activities include control and compliance measures, education, and maintenance.	25 <sup>th</sup> August 2022	Pending	The outcome of this funding is expected by the end of the year (2022)
Department of Justice and Attorney General- Investing in QLD Women Grant Program	\$15,000	To fund activities during International Women's Week 2023. Theme is to be centred around DFV action plan, which is set to be finalised this year.	5 <sup>th</sup> August 2022	Pending	The outcome of this funding is expected by late October
Department of Children, Youth Justice & Multicultural Affairs - Celebrating Multicultural Qld Program	\$10,000	To fund Mabo Day activities on Mer Island.	13 <sup>th</sup> July 2022	Pending	The outcome of this funding is expected by October
Department of Children, Youth Justice & Multicultural Affairs - Celebrating Multicultural Qld Program	\$10,000	To fund Coming of the Light Activities on Erub Island.	13 <sup>th</sup> July 2022	Pending	The outcome of this funding is expected by October
Department of Environment and Science - Illegal Dumping Partnerships Program	\$200,000	Employment of 4x part time waste management officers to carry out education awareness for illegal dumping.	27 <sup>th</sup> July 2022	Pending	The outcome of this funding is expected by October

<b>Total Amount Applied for between 1 July 2022 and 31 August 2022</b>
<b>\$320,000.00</b>

<b>Total Amount Successful between 1 July 2022 and 31 August 2022</b>	
Building Services	\$
Engineering	\$
Community Services	\$
Business Services	\$
Executive	\$
<b>Combined Total</b>	<b>\$0</b>

### Previous Financial Year Applications Awaiting Outcome:

The following table displays all funding applications that are yet to be determined from the previous financial year.

<b>Funding Stream</b>	<b>Value</b>	<b>Project Details</b>	<b>Date of Application</b>	<b>Outcome</b>	<b>Current Status Report</b>
<b>Reporting period - 1 July 2021 – 30 June 2022</b>					
<i>Building our Regions Round 6 – Warraber Sewer Replacement – Formal Application</i>	<i>\$1,875,000</i>	<i>Replacement of sewer Pumpstation 1 on Warraber Island</i>	<i>17<sup>th</sup> May 2022</i>	<i>Pending</i>	<i>The outcome of this funding is expected by September 2022</i>
<i>Building our Regions Round 6 – Badu &amp; Mabuiag Water Network Management – Formal Application</i>	<i>\$280,000</i>	<i>Implementation of smartmeters and additional valving into water network</i>	<i>17<sup>th</sup> May 2022</i>	<i>Pending</i>	<i>The outcome of this funding is expected by September 2022</i>
<i>Building our Regions Round 6 – Badu Reservoir Main – formal Application</i>	<i>\$500,000</i>	<i>Construction of a new section of water main from the reservoir to the town network – Badu</i>	<i>17<sup>th</sup> May 2022</i>	<i>Pending</i>	<i>The outcome of this funding is expected by September 2022</i>
<i>Qld Resilience &amp; Risk Reduction Fund – Formal Application</i>	<i>\$290,000</i>	<i>Employment of a Coastal Hazard Resilience Officer</i>	<i>16<sup>th</sup> May 2022</i>	<i>Successful</i>	
<i>Enhancing Local Government Biosecurity Capacity in FNQ</i>	<i>\$115,000</i>	<i>Sustainability Biosecurity Project – Employment of 2 FTE Sustainability Biosecurity Officers to implement the Waste and Material Biosecurity Management Plan</i>	<i>14<sup>th</sup> May 2022</i>	<i>Pending</i>	<i>The outcome of this funding is expected by August 2022</i>
<i>Remote Aerodrome Upgrade Programme</i>	<i>\$2,154,557</i>	<i>Upgrade of the York Island Aerodrome helicopter designated apron area</i>	<i>17<sup>th</sup> March 2022</i>	<i>Unsuccessful</i>	

**Total Amount Applied for between  
1 July 2021 and 30 June 2022**

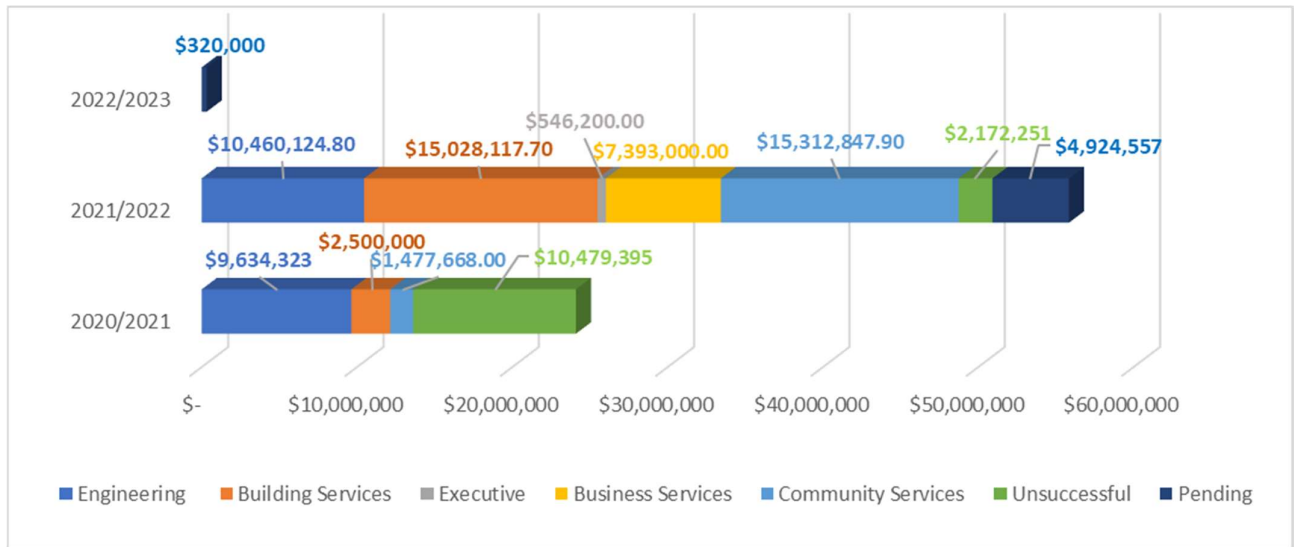
**\$55,837,098.40**

**Total Amount Successful between  
1 July 2021 and 30 June 2022**

**\$49,303,290.40**

**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.



**Councillor's Top 5 Priorities Status:**

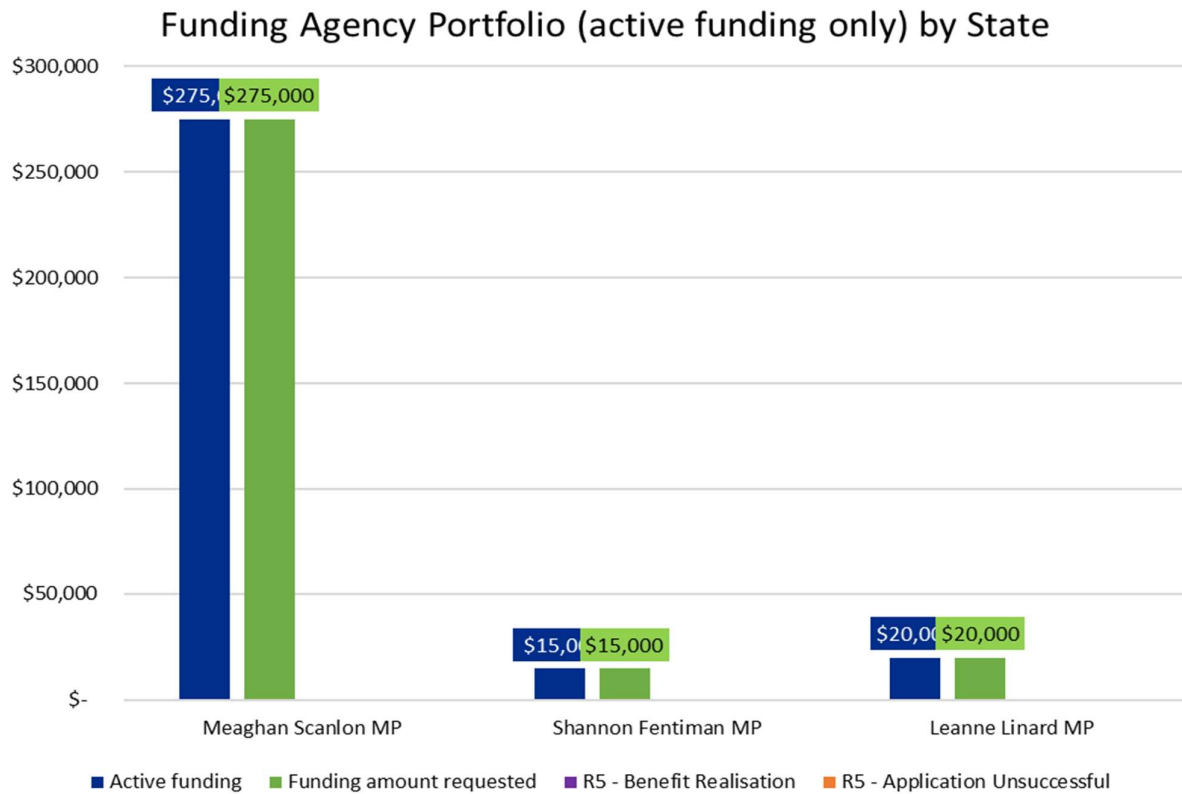
The following table provides an update on the current status of Councillor Top 5 Priority projects. Out of 75 identified projects there are currently 16 projects that have either been completed or are in the process of being completed, and a further 1 project that is in initial application stages. All 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	29%	8	3	0	0	4
Priority 2	15	\$23,071,857.00	30%	10	2	0	0	3
Priority 3	15	\$8,658,857.00	11%	6	4	0	0	5
Priority 4	15	\$11,622,000.00	15%	11	2	0	0	0
Priority 5	15	\$11,467,718.00	15%	9	1	0	0	4
<b>Total</b>	<b>75</b>	<b>\$77,214,232.00</b>	<b>100%</b>	<b>44</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>16</b>

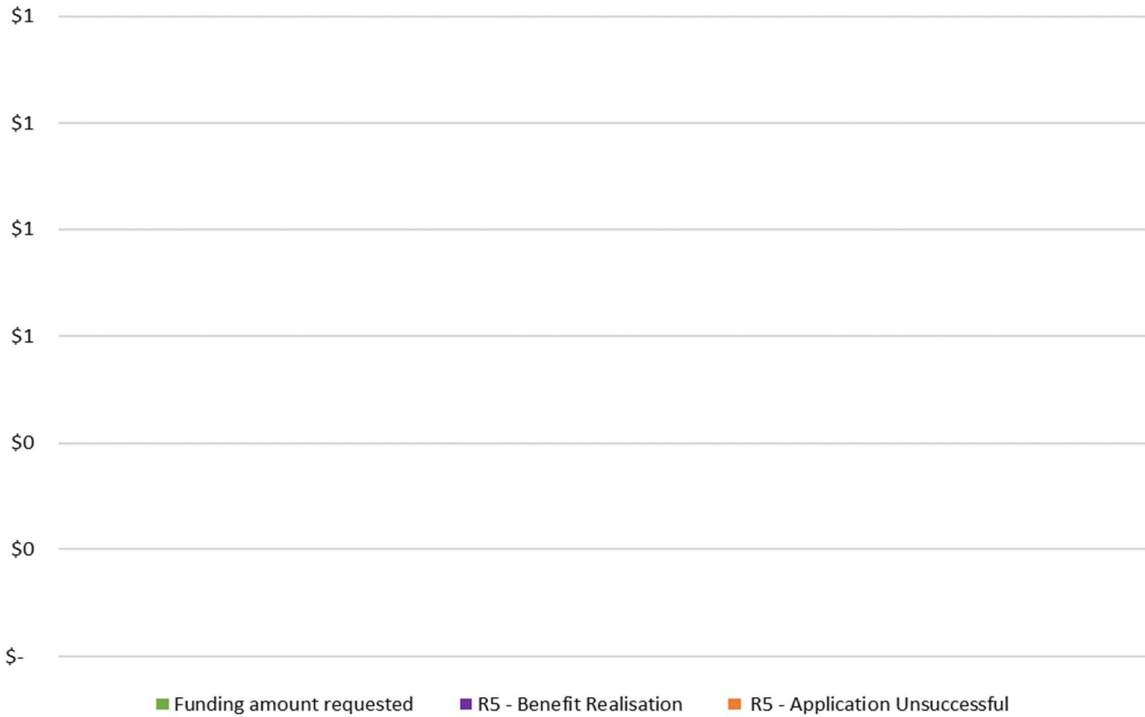


### Funding Agency Portfolio Breakdown:

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.

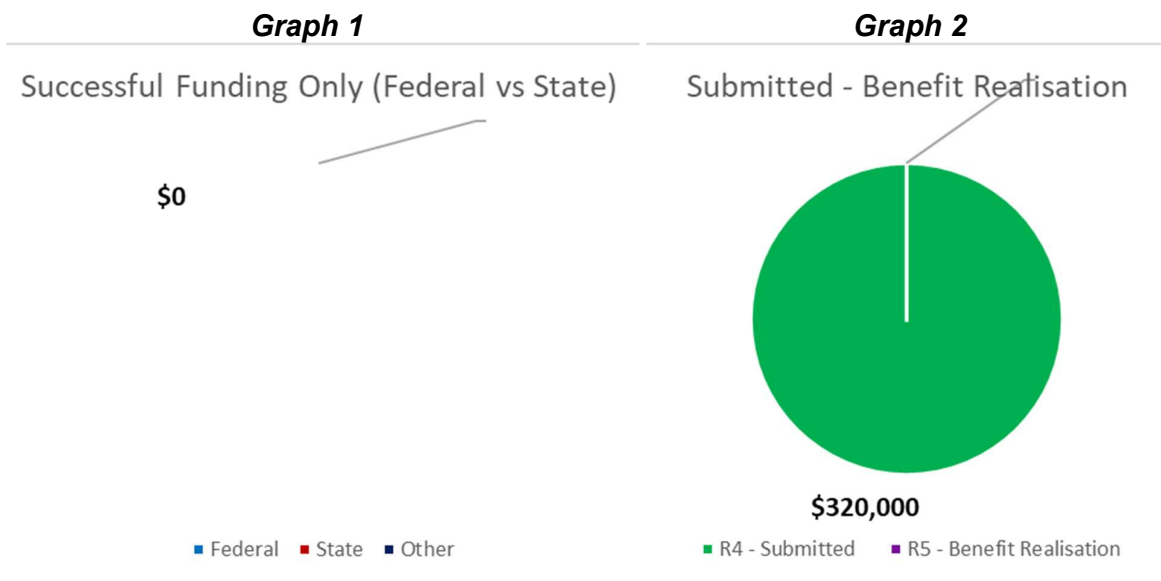


## Funding Agency Portfolio (active funding only) by Federal



### 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.



### 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:**  
Peter Krebs  
Acting Executive Director of Corporate  
Services



**Approved:**  
James William  
Chief Executive Officer



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT

<b>ORDINARY MEETING:</b>	September 2022
<b>DATE:</b>	20 <sup>th</sup> – 21 <sup>st</sup> September 2022
<b>ITEM:</b>	Agenda Item for Resolution by Council
<b>SUBJECT:</b>	Community Grants Program Allocation – August 2022
<b>AUTHOR:</b>	Katherine Epsseg, Customer Services Officer, Enterprise Development and Delivery Team

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### **Recommendation:**

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

- Community Entities eligible for the maximum threshold of \$10,000:
  - Saamkarem Beizam Rugby League Club for the supported amount of \$4,000.00 exclusive of GST.
  - Magun Warriors for the eligible amount of \$2,500.00 exclusive of GST, as per the submitted application.
  - Church of the Living God – Mer Island for the eligible amount of \$1,500.00 exclusive of GST, as per the submitted application.
  - Church of the Rock for the eligible amount of \$3,988.00 exclusive of GST, as per the submitted application.
  - Blood Covenant Ministry for the eligible amount of \$3,000.00 exclusive of GST, as per the submitted application.
  - Dedyal Gammas Rugby League Club for the supported amount of \$5,000.00 exclusive of GST.

### **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 September, Six (6) 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 Six (6) applications which meet eligibility requirements are:

Community Entity Applicants	Amount Requested	Project/Event	Amount Supported by Councillor	Location
Saamkarem Beizam Rugby League Clun	\$6,000.00	Contributions towards travel costs associated with participating in the 2022 Gordonvale All Blacks Football Carnival in Gordonvale, 22-23/10/2022	Supported by Cr Gela for the amount of \$4,000.00	Erub
Magun Warriors	\$2,500.00	Contributions towards costs associated with participating in the 2022 Zenadth Kes Rugby League competition on Thursday Island, 14-16/10/2022	Supported in full by Cr Lui	Iama
Church of the Living God – Mer Island	\$1,500.00	Contributions towards costs associated with attending the Church of the Living God – Church Rally on Mabuyag Island, 16/09 – 04/10/2022	Supported in full by Cr Noah	Mer
Church of the Rock	\$3,988.00	Contributions towards costs associated with purchasing musical supplies for on-going community church services on Boigu Island	Supported in full by Cr Toby	Boigu
Blood Covenant Ministry	\$3,000.00	Contribution towards catering costs associated with celebrating the Blood Covenant Church anniversary on Boigu Island, 26/09/2022	Supported in full by Cr Toby	Boigu
Deddyal Gammas Rugby League Club	\$10,000.00	Contributions towards costs associated with participating in the 2022 Zenadth Kes Rugby League competition on Thursday Island, 14-16/10/2022	Supported by Cr Levi for the amount of \$5,000.00	St Paul's

#### Out of Cycle – Community Grants Background:

In line with Council's Community Grants Policy, Council recognises that there may be occasions where urgent assessment of Community Grants is required. This is particularly in relation to emergent projects and/or extenuating circumstances. Such requests will be assessed by the Enterprise Development and Delivery Team, at request of the Chief Executive Officer, for eligibility and finally approved or rejected by the Mayor or delegate Councillor and Chief Executive Officer based on assessment.

For this month's reporting period, twenty-seven (27) Out of Cycle Community Grants applications were received. The 25 divisional applications have only received verbal approval from the Mayor and CEO, as advised by Jacob Matysek, and are yet to be finalised. A separate column has been added to the attached Fund Balances table showing the pending amounts, to ensure that each division is cognizant of their available balances.

<b>Applicants</b>	<b>Amount Requested</b>	<b>Out of Cycle Project/Event</b>	<b>Location</b>
Masigalgal Registered Native Title Body Corporate	\$10,000.00	Contribution towards costs associated with hosting the August 23rd Celebration on Masig	Mayor
Kailag Enterprises	\$10,000.00	Contribution towards costs associated with hosting the August 23rd Celebration on Masig	
Abi Mooka	\$2,500	Contribution towards cost associated with 85th Anniversary, 23/08/2022	Dauan
Margaret David	\$2,500	Contribution towards cost associated with 85th Anniversary, 23/08/2022	
Elizabeth Uiduldam	\$2,500	Contribution towards cost associated with 85th Anniversary, 23/08/2022	
Fiona Emeny	\$2,500	Contribution towards cost associated with 85th Anniversary, 23/08/2022	Hammond
Georgina Dorante	\$2,500	Contribution towards cost associated with 85th Anniversary, 23/08/2022	
Roxanne Dorante	\$2,500	Contribution towards cost associated with 85th Anniversary, 23/08/2022	
Noel Baker	\$2,500	Contribution towards cost associated with 85th Anniversary, 23/08/2022	Ugar
Robert Modee	\$2,500	Contribution towards cost associated with 85th Anniversary, 23/08/2022	
Victor Morris	\$2,500	Contribution towards cost associated with 85th Anniversary, 23/08/2022	
Belford Pearson	\$2,500	Contribution towards cost associated with 85th Anniversary, 23/08/2022	Erub
Ethel Charlie	\$2,500	Contribution towards cost associated with 85th Anniversary, 23/08/2022	
Telita Gutchen	\$2,500	Contribution towards cost associated with 85th Anniversary, 23/08/2022	
Kapua Gutchen	\$2,500	Contribution towards cost associated with 85th Anniversary, 23/08/2022	
Lala Gutchen	\$2,500	Contribution towards cost associated with 85th Anniversary, 23/08/2022	
Stanley Marama	\$2,000	Contribution towards cost associated with 85th Anniversary, 23/08/2022	

Bradley Pabai	\$2,000	Contribution towards cost associated with 85th Anniversary, 23/08/2022	Boigu
Ethel Anau	\$2,000	Contribution towards cost associated with 85th Anniversary, 23/08/2022	
Sania Anau	\$2,000	Contribution towards cost associated with 85th Anniversary, 23/08/2022	
Bethalia Asai	\$2,500	Contribution towards cost associated with 85th Anniversary, 23/08/2022	Poruma
Amanda Sailor	\$2,500	Contribution towards cost associated with 85th Anniversary, 23/08/2022	
Ruby Billy	\$2,500	Contribution towards cost associated with 85th Anniversary, 23/08/2022	
Ian A. Larry	\$2,500	Contribution towards cost associated with 85th Anniversary, 23/08/2022	Warraber
Patterson Larry	\$2,500	Contribution towards cost associated with 85th Anniversary, 23/08/2022	
Carmen Pearson	\$2,500	Contribution towards cost associated with 85th Anniversary, 23/08/2022	
Elsie Nona	\$2,500	Contribution towards catering costs associated with celebrating Mr Barry Nona's 30 years of service with Queensland Police Service, 02/09/2022	Badu

#### **Regional Grants Background:**

In line with Council's Community Grants Policy, eligible Regional Grants applications are submitted during three (3) funding rounds per financial year. First funding round for Regional Grants Applications will open from 1<sup>st</sup> September – 22<sup>nd</sup> September 2022 – to be tabled at Council's October Ordinary meeting for determination.

#### **Funeral Donations Background:**

In line with Council's Community Grants Policy, applications for funeral grants may be made at any time throughout the financial year. Funeral Donation and Funeral Travel Assistance applications are assessed by Council Officers according to the eligibility criteria and endorsed by the Chief Executive Officer for the maximum threshold of \$5,000.00, per community – per funeral.

These applications will be determined by the Chief Executive Officer having regard to the recommendations of the Divisional Councillor, and approvals from the Executive Directors of Building and Community Services, Financials Services, and Corporate Services.

The following table refers to all funeral grants that were received for this month's reporting period:

- Two (2) applications were received and approved.

Applicants	Amount Requested	Description	Amount Approved	Location
Charlotte Pearson	\$849.51	Contribution towards travel-related costs associated with attending the funeral of the Late Mr Amarama Kris in Townsville, 02/08/2022. This application was approved to cover the travel costs of the applicant, Charlotte Pearson to travel to Townville.	\$849.51	Kubin
Gaiba Catherine Noah	\$2,500.00	Contribution towards catering costs associated with hosting the funeral wake of the Late Mrs Lillian Noah of Mer Island, 031/08/2022.	\$2,500.00	Mer

#### In-Kind Assistance Background:

In line with Council's Community Grants Policy, applications for In-Kind Assistance can be made at any time for the use of Council's facilities and/or assets through waiver of fees for the purposes of the project and/or activity. Reasonable applications will be determined by the Chief Executive Officer having regard to the recommendations of the Divisional Councillor, and approvals from the Executive Directors of Building and Community Services, Engineering Services, Financial Services, and Corporate Services.

Approved In-Kind Assistance applications do not impact divisional budget allocations.

In-Kind Assistance will be reported as part of Council's contributions made to the community.

The following table highlights the approved In-Kind Assistance applications received for this month's reporting period.

Applicant	Description	Division	Waiver of Fees
Aaron Anau	Hire of the Boigu Pool Vehicle for the Boigu Community Fete, 19-20/08/2022	Boigu	\$246.00
Polly Akiba	Hire of the Saibai Community Hall and Vehicle to host the 2022 Father's Day Celebration, 04/09/2022	Saibai	\$568.00
Mualgal (TSI) Registered Native Title Body Corporate	Hire of the Kubin Conference room to host a community Native Title meeting, 25/08/2022	Kubin	\$304.00
Elsie Nona	Hire of the Community Hall to host Community Dinner for QPS Retiree - Barry Nona, 02/09/2022	Badu	\$224.00
Gaiba Catherine Noah	Hire of the Mer Pool Vehicle & Tables and Chairs for the funeral wake of the Late Mrs Lillian Noah of Mer Island, 31/08/2022	Mer	\$406.50



**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:**

Peter Krebs  
Acting Executive Director,  
Corporate Services

**Approved:**

James William  
Chief Executive Officer

**Attachment:** Fund Balances

**Attachment: Fund Balances (after payment of applications endorsed at August 2022 OM)**

Division	Councillor	Budget	Less Approved Funding	Less Pending Out-Of-Cycle Applications	Closing Balance
Boigu	Cr. Toby	\$25,000.00	\$0.00	\$8,000.00	\$17,000.00
Hammond	Cr. Dorante	\$25,000.00	\$2,200.00	\$7,500.00	\$15,300.00
St Pauls	Cr. Levi	\$25,000.00	\$1,824.00	\$0	\$23,176.00
Ugar	Cr. Stephen	\$25,000.00	\$5,000.00	\$7,500.00	\$12,500.00
Badu	Cr. Nona	\$25,000.00	\$1,782.00	\$2,500.00	\$20,718.00
Dauan	Cr. Elisala	\$25,000.00	\$1,115.00	\$7,500.00	\$16,385.00
Erub	Cr. Gela	\$25,000.00	\$4,120.50	\$12,500.00	\$8,379.50
Iama	Cr. Lui	\$25,000.00	\$1,120.50	\$0	\$23,879.50
Kubin	Cr. Trinkoon	\$25,000.00	\$3,348.72	\$0	\$21,651.28
Mabuiag	Cr. Fell	\$25,000.00	\$7,418.00	\$0	\$17,582.00
Mer	Cr. Noah	\$25,000.00	\$2,500.00	\$0	\$22,500.00
Poruma	Cr. Pearson	\$25,000.00	\$14,118.12	\$7,500.00	\$3,381.88
Saibai	Cr. Tabuai	\$25,000.00	\$16,045.20	\$0	\$8,954.80
Warraber	Cr. Tamu	\$25,000.00	\$7,000.00	\$7,500.00	\$10,500.00
Yorke	Cr. Mosby	\$25,000.00	\$3,356.09	\$0	\$21,643.91
Mayor	Cr. Mosby	\$30,000.00	\$20,000.00	\$0	\$10,000.00
Regional Grant		\$50,000.00	\$0.00	\$0	\$50,000.00
		<b>\$455,000.00</b>	<b>\$90,948.13</b>	<b>\$60,500.00</b>	<b>\$303,551.87</b>



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT

<b>MEETING:</b>	September 2022
<b>DATE:</b>	20-21 September 2022
<b>ITEM:</b>	Agenda item for resolution
<b>SUBJECT:</b>	Policy matter - Climate Change Policy
<b>AUTHOR(S):</b>	Mette Nordling, Manager Governance and Compliance

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### Recommendation

That Council resolve to:

1. endorse the Climate Change Policy in the terms presented to Council at today's Ordinary Meeting
- and
2. delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to exercise the functions and powers assigned to the Chief Executive Officer under the endorsed policy, including the power to make any further minor administrative amendments to the policy as they arise.

### Executive Summary

This report provides the draft Climate Change Policy for Council endorsement. The policy seeks to formally articulate Council's position of climate change and our response to it. The draft policy was presented to the Climate Change Adaptation and Environment Committee at their August 2022 meeting and recommended for Council endorsement.

### Background

Climate change is an ever-increasing factor for the liveability for our region. Tidal inundation and erosion are serious threats in the Torres Strait. Critical infrastructure and places of significance such as burial sites are regularly impacted by climatic change and the prospect of losing such sites is a reality. Coastal protection and climate resilience will inform our ability to protect our land, preserve our important sites and continue living where we do.

Council is committed to rigorously advocate both levels of government of the impacts faced by our communities as a result of climate change.

### Considerations

In October 2020 Council sought legal advice from King & Company Solicitors in relation to a Climate Change Policy Position Statement, to ensure that Council could advocate and discuss the impacts of climate change with various stakeholders, without risk of damaging relationships with governments or Council's reputation.

The statement from King & Company Solicitors is attached as attachment 1.

This statement resulting in the attached draft Climate Change Policy, attachment 2, and the attached draft Climate Change and Engagement Procedure, attachment 3.

The proposed policy states the following principles and objectives:

#### **4. Policy Principles**

Council acknowledges:

- a) the reality of climate change for communities within our jurisdictional footprint,
- b) that there is a global climate emergency,
- c) that climate change has impacted our communities and will pose an impact to future generations and the natural and built environment of the Torres Strait for the foreseeable future,
- d) that the Climate related impacts to the Torres Strait are occurring more rapidly and at a community level compared to most of mainland Australian communities.
- e) that we, in collaboration with relevant partners and agencies, should respond quickly, vigorously, and strategically to the current and predicted impacts of climate change in the Torres Strait,
- f) the efforts made by both Council and community to reduce our own contribution to climate change and the need to promote these efforts, and
- g) will not accept community displacement and loss of culture and place, as a default form of Climate Change Resilience and Adaptation.

#### **5. Objectives**

Council is committed to:

- a. rigorously advocating at state, national, and international levels:
  1. of the very real impacts faced by our communities as a result of climate change, specifically:
    - i) tidal inundation and erosion causing eradication of traditional land and cultural places, and damage to critical infrastructure,
    - ii) increased severe weather patterns and events,
    - iii) changes to marine biodiversity and the downstream impacts on traditional food sourcing and ways of life, and
    - iv) the potential displacement of our communities.
  2. that the preservation of culture, heritage, history, and place, as being no less of importance to the protection of natural and built assets.
- b. The development of coastal defences and other adaptation works in relation to the protection of our communities from climate change impacts
- c. introducing strategies that mitigate and reduce community contribution to climate change, and
- d. introducing strategies to adapt Council activities and responsibilities to unavoidable impacts of climate change.

#### **Consultation**

- King & Company Solicitors
- Climate Change Adaptation and Environment Committee

#### **Statutory Requirements:**

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

**Conclusion:**

That Council endorse the Climate Change Policy and delegate authority to the Chief Executive Officer to exercise the functions and powers, including the power to make any further minor administrative amendments to the policy as they arise.

**Author:**


Mette Nordling  
Manager, Governance and Compliance

**Recommended:**

David Baldwin  
Executive Director Engineering Services

**Recommended:**

Peter Krebs  
A/Executive Director Corporate Services

**Approved:**

James William  
Chief Executive Officer

**Attachments:**

- Climate Change Policy Position Statement from King & Company Solicitors
- Draft Climate Change Policy
- Draft Climate Change and Engagement Procedure

## **Climate Change Policy Position Statement from King & Company Solicitors 1 October 2020**

Council accepts that climate change is a reality. Given the effects of sea level rise in Council's own local government area, which councillors and others are witnessing first-hand, Council cannot do otherwise.

Nevertheless, Council acknowledges, as must the community, that:

- no one government can stem climate change and its effects;
- addressing the problem requires the concerted action of all governments, not merely in Australia but world-wide;
- as one of the instruments of Australian government, Council must act collegiately and with all of the Australian governments, in particular the Commonwealth and Queensland governments.

In the latter respect, Council depends upon Commonwealth and Queensland government funding to enable it to respond to the effects of climate change. Whilst Council has taken, and will continue to take, every opportunity to encourage those governments to be proactive in working to arrest climate change and its damaging effects, it must engage with them constructively and co-operatively, rather than antagonistically, if it is to secure the best outcomes, both generally and for its local government area.

As a responsible instrumentality of the Queensland government, Council endeavours to act sensibly and constructively rather than viscerally and combatively. In that respect, its 2019-20 bipartisan engagement with the Queensland and Commonwealth governments has secured the commitment of \$26million for seawall construction, marine infrastructure, and the resurrection of an interisland ferry service.

Council does not discourage its members or its employees from acting, in their personal capacities, as climate change advocates and activists but it is important to recognize the difference in their activities as individual citizens and their activities as Council members or employees. Their actions as individuals are not the actions of Council. For councillors in particular, they must be careful to adopt a measured approach to their personal climate change advocacy, to ensure their actions in that respect do not conflict with their duties as councillors, particularly their duties under the statutory Code of Conduct that binds them.

# Climate Change Policy

Responsible Manager	Chief Executive Officer
Head of power	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i>
Authorised by	Council
Authorised on	August 2022
Implemented from	September 2022
Last reviewed	August 2021
Review history	
To be reviewed on	August 2024
Corporate Plan	Sustainability

## **1. Purpose**

The purpose of this policy is to formally articulate Council's position on climate change and our response to it.

This policy applies to all Councillors, Council Officers and applicable partners in matters related to climate change.

## **2. Application**

This policy applies to all Councillors, Council Officers and applicable partners in matters related to climate change.

## **3. Legislation/Policies**

This policy is established with reference to the *Local Government Act 2009* and the *Local Government Regulation 2012* as well as Council's Deputation, Acceptable Request and Communication Protocol, and Media Policies.

## **4. Policy Principles**

Council acknowledges:

- a) the reality of climate change for communities within our jurisdictional footprint,
- b) that there is a global climate emergency,
- c) that climate change has impacted our communities and will pose an impact to future generations and the natural and built environment of the Torres Strait for the foreseeable future,
- d) that the Climate related impacts to the Torres Strait are occurring more rapidly and at a community level compared to most of mainland Australian communities.
- e) that we, in collaboration with relevant partners and agencies, should respond quickly, vigorously, and strategically to the current and predicted impacts of climate change in the Torres Strait,
- f) the efforts made by both Council and community to reduce our own contribution to climate change and the need to promote these efforts, and
- g) will not accept community displacement and loss of culture and place, as a default form of Climate Change Resilience and Adaptation.

## **5. Objectives**

Council is committed to:

- a. rigorously advocating at state, national, and international levels:
  - 1. of the very real impacts faced by our communities as a result of climate change, specifically:
    - i) tidal inundation and erosion causing eradication of traditional land and cultural places, and damage to critical infrastructure,
    - ii) increased severe weather patterns and events,
    - iii) changes to marine biodiversity and the downstream impacts on traditional food sourcing and ways of life, and
    - iv) the potential displacement of our communities.



2. that the preservation of culture, heritage, history, and place, as being no less of importance to the protection of natural and built assets.
- b. The development of coastal defences and other adaptation works in relation to the protection of our communities from climate change impacts
- c. introducing strategies that mitigate and reduce community contribution to climate change, and
- d. introducing strategies to adapt Council activities and responsibilities to unavoidable impacts of climate change.

## **6. Engaging in Climate Change & Related Matters**

The Climate Change Position and Engagement Procedure sets forth the process Council undertakes when engaging in climate change and related matters.

In following this procedure, the Mayor, as Council's official spokesperson, will engage publicly on climate change and related matters, unless otherwise delegated to the Deputy Mayor, Chair of the Climate Change Adaptation and Environment Committee, other Councillors, or the Chief Executive Officer.

General Councillor and Council Officer engagement, event attendance, and memberships or partnerships, shall be assessed in alignment with the procedure to ensure effective preparation and risk management.

## **7. Related Council Policies & Documents**

- Deputation Policy
- Acceptable Request and Communication Protocol Policy
- Media Policy
- Climate Change Position and Engagement Procedure (Pending)
- Terms of Reference for the Climate Change Adaptation and Environment Committee
- Corporate Plan 2020-2025

# Climate Change & Engagement Procedure

<b>Responsible Manager</b>	Executive Director of Corporate Services
<b>Head of power</b>	Climate Change Policy (when adopted) Deputation Policy (when adopted)
<b>Authorised by</b>	
<b>Authorised on</b>	
<b>Implemented from</b>	
<b>Last reviewed</b>	March 2021
<b>Review history</b>	
<b>To be reviewed on</b>	
<b>Corporate Plan</b>	Sustainability

## **1. Relationship to Climate Change Policy**

Our Climate Change Policy articulates Council's position on climate change and our response to it; this includes what we acknowledge and what we are committed to:

Council acknowledges:

- a. the reality of climate change for communities within our jurisdictional footprint,
- b. that there is a global climate emergency,
- c. that climate change has impacted our communities and will pose an impact to future generations and both the natural and built environment of the Torres Strait for the foreseeable future,
- d. that the Climate related impacts to the Torres Strait are occurring more rapidly and at a community level compared to most of mainland Australian communities.
- e. that we, in collaboration with relevant partners and agencies, should respond quickly, vigorously, and strategically to the current and predicted impacts of climate change in the Torres Strait,
- f. the efforts made by both Council and community to reduce our own contribution to climate change and the need to promote these efforts, and
- g. that we will not accept community displacement and loss of culture and place, as a default form of Climate Change Resilience and Adaptation.

Council is committed to:

- a. rigorously advocating at state, national, and international levels:
  1. on the very real impacts faced by our communities as a result of climate change, specifically:
    - a. tidal inundation and erosion causing eradication of traditional land and cultural places, and damage to critical infrastructure,
    - b. increased severe weather patterns and events,
    - c. changes to marine biodiversity and the downstream impacts on traditional food sourcing and ways of life, and
    - d. the potential displacement of our communities.
  2. that the preservation of culture, heritage, history, and place, as being of no less importance to the protection of natural and built assets.
- b. the development of coastal defences and other adaptation works in relation to the protection of our communities from climate change impacts,
- c. introducing strategies that mitigate and reduce community contribution to climate change, and
- d. introducing strategies to adapt Council activities and responsibilities to unavoidable impacts of climate change.

## **2. Application**

This procedure applies to all Councillors, Council Officers and applicable partners in matters related to climate change.

## **3. Legislation**

This procedure is established with reference to the *Local Government Act 2009* and the *Local*

*Government Regulation 2012* as well as Council's Deputation, Acceptable Request and Communication Protocol, and Media Policies.

#### **4. Engagement Parties – Internal to Council**

##### **4.1 Official Council Spokesperson**

Following this procedure, the Mayor, as Council's official spokesperson, will engage publicly on climate change and related matters, unless this has been delegated to:

- a. the Deputy Mayor,
- b. the Chair of the Climate Change Adaptation and Environment Committee,
- c. other Councillors, or
- d. the Chief Executive Officer.

Council acknowledges that Climate Change is a highly sensitive matter facing our region, for this reason and as a responsible instrumentality of the Queensland Government, Council endeavours to act sensibly and constructively rather than viscerally and combatively.

##### **4.2 Elected Members & Employees - Personal Opinions & Activism**

Council does not discourage its Elected Members or its employees from acting, in their personal capacities, as climate change advocates and activists, but it is important to recognize the difference in their activities as individual citizens and their activities as Elected Members or employees. Their actions as individuals are not the actions of Council.

For Councillors in particular, they must be careful to adopt a measured approach to their personal Climate Change advocacy, to ensure their actions in that respect do not conflict with their duties as Councillors, particularly their duties under the statutory Code of Conduct that binds them.

#### **5. Engagement Parties – External to Council**

##### **5.1 Constituents & Communities**

Our constituents and communities are our most important Climate Change stakeholders. In alignment with our current Corporate Plan (2020-25), Council will maintain a transparent and open approach when engaging with our communities about Climate Change and related matters.

Community engagements on Climate Change, typically cover the following situations:

- a. Development of coastal defences and other adaptation works.
- b. Increased severe weather patterns and events.
- c. Adapting to changes to marine biodiversity and the downstream impacts on traditional food sourcing and ways of life.
- d. Potential community and cultural place displacement activities.
- e. Measuring carbon footprints within communities and the introduction of strategies that mitigate and reduce waste and contributors to Climate Change.
- f. Development of strategies to adapt Council activities and responsibilities to unavoidable impacts of Climate Change.

## 5.2 Ministerial & Other Members of Government

### a. Domestic Engagement

At different times throughout the year, Council will meet and deputise to State and Federal Ministers and other Members of Government. Climate Change and related matters are included as a deputation priority area for discussion with relevant portfolio holders.

### b. International Engagement

On occasion, the opportunity may arise to meet with Foreign Ministerial or other Members of those respective Governments to discuss Climate Change and related matters. If not already engaged at the time, the Federal Department of Foreign Affairs & Trade (DFAT) should be consulted.

The process set forth within Council's Parliamentary Engagement Procedure should be utilised for these types of engagements.

## 5.3 Government Departments & Agencies

Council works with several Departments and Agencies on Climate Change and related matters, principally:

- a. Measurement of the effects of climate change within the Torres Strait region.
- b. Development of coastal defences and other adaptation works in relation to the protection of our communities from climate change impacts.
- c. Measuring carbon footprints within communities and the introduction of strategies that mitigate and reduce waste and contributors to Climate Change.
- d. Development of strategies to adapt Council activities and responsibilities to unavoidable impacts of Climate Change.

Engagements with Government Departments and Agencies will typically have a contractual instrument outlining the specific activity type, for example, a funding agreement, schedule of services, or other program/project documentation.

Any marketing, promotional or public communications concerning Government Department and Agency engagements should follow Council's Media Policy and as covered in Section 4.1 of this procedure, the Mayor is Council's official spokesperson unless otherwise delegated. For consistency and continuity of messaging, Section 1 of this procedure should be followed, covering specifically:

- a. what Council acknowledges, in relation to Climate Change, and
- b. what Council is committed to, in relation to Climate Change.

## 5.4 Journalists & Media Organisations

Council will engage with the media on a number of issues in relation to climate change, and at various stages, for example pre-, during or post a severe weather event.

Typically, the journalists will contact Council, however from time-to-time Council may initiate this engagement through the Corporate Affairs Department.

In all instances, Council's Media Policy should be followed and as covered in Section 4.1 of this procedure, the Mayor is Council's official spokesperson unless otherwise delegated. For consistency and continuity of messaging, Section 1 of this procedure

should be followed, covering specifically:

- a. what Council acknowledges, in relation to Climate Change, and
- b. what Council is committed to, in relation to Climate Change.

#### 5.5 Corporate & Private Sector Organisations

Many domestic and international corporate and private sector organisations have developed public positions on Climate Change, often driven by their corporate social responsibility (CSR) or sustainability functions.

Council may be engaged by these types of organisations, typically for the following situations:

- a. Articulation of the reality of Climate Change for communities within our jurisdictional footprint.
- b. Articulation of Council's Climate Change response, particularly the development of coastal defences and other adaptation works in relation to the protection of our communities from climate change impacts.
- c. Opportunities to partner on projects and programs aimed at Climate Change mitigation, including reducing waste and other contributors.

Any marketing, promotional or public communications in relation to corporate and private sector engagements should follow Council's Media Policy and as covered in Section 4.1 of this procedure, the Mayor is Council's official spokesperson unless otherwise delegated. For consistency and continuity of messaging, Section 1 of this procedure should be followed, covering specifically:

- a. what Council acknowledges, in relation to Climate Change, and
- b. what Council is committed to, in relation to Climate Change.

#### 5.6 Not For Profit Bodies and Climate Action Groups

Climate Change is a topical subject and global area of focus, as covered in the previous section (5.5), Council may also be engaged by Not-For-Profit Bodies and Climate Action Groups, typically for the following situations:

- a. Articulation of the reality of Climate Change for communities within our jurisdictional footprint.
- b. Articulation of Council's Climate Change response, particularly the development of coastal defences and other adaptation works in relation to the protection of our communities from climate change impacts.
- c. Opportunities to partner on projects and programs aimed at Climate Change mitigation, including reducing waste and other contributors.

Any marketing, promotional or public communications in relation to a Not-For-Profit Body or Climate Action Group engagement should follow Council's Media Policy and as covered in Section 4.1 of this procedure, the Mayor is Council's official spokesperson unless otherwise delegated. For consistency and continuity of messaging, Section 1 of this procedure should be followed, covering specifically:

- a. what Council acknowledges, in relation to Climate Change, and
- b. what Council is committed to, in relation to Climate Change.

## **6. Engagement Methods**

Depending on the engagement party type, as outlined in Sections 4 & 5, engagement methods will typically fall into the following categories:

### **6.1 Deputations**

#### **a. Deputation to Council at:**

1. an Ordinary Meeting, and/or
2. a Committee Meeting, specifically the Climate Change and Adaptation and Environment Committee.

Deputations to Council should follow the process outlined in Council's Deputation Policy.

#### **b. Council deputation to Ministers and/or other Members of Government.**

The process set forth within Council's Parliamentary Engagement Procedure should be utilised for these types of engagements.

### **6.2 Public Speaking & Events**

Invitations to speak at or attend an event should be addressed to the Mayor, as Council's official spokesperson. If accepted, the Mayor will attend or appoint a suitable delegate as articulated in Section 4.1.

The Head of Corporate Affairs will prepare a memo to the Mayor, the delegate and/or other Council attendees of the event, providing speaking points relevant to the topic and audience. More detailed discussion and preparation can be requested if required.

### **6.3 Interviews**

Interviews can occur remotely (by phone or video call) or in person, and could be live or pre-recorded, or captured/transcribed for print media.

All interview requests should be addressed to the Mayor, as Council's official spokesperson. If unavailable, the Mayor may appoint a suitable delegate as articulated in Section 4.1.

The Head of Corporate Affairs will prepare speaking points or other required material for the interview, in alignment with Council's Media Policy.

### **6.4 Opportunities to Partner**

Partnerships will typically have contractual instrument outlining the specific activity type, for example, a funding agreement, schedule of services, or other program/project documentation.

Opportunities to partner, whether led by Council or another party, should be developed in consultation with Council's Corporate Affairs and Legal Services Departments, to ensure a suitable level of due diligence is undertaken and an appropriate risk management framework is put in place prior to engagement.

## AGENDA REPORT

<b>ORDINARY MEETING:</b>	September 2022
<b>DATE:</b>	20 & 21 September 2022
<b>ITEM:</b>	Agenda Report for resolution by Council
<b>SUBJECT:</b>	Complaints Policies and Annual Report
<b>AUTHOR:</b>	Julia Maurus, Senior Legal Officer

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### Recommendation:

1. That Council endorse the updated Complaint Management Policy, as presented.
2. That Council endorse the updated Complaint (Public Official) Policy, as presented, under section 48A of the *Crime and Corruption Act 2001*.
3. That Council note the Complaints Annual Report.

### Executive Summary:

This report:

1. presents for Council's endorsement, the reviewed Complaint Management Policy;
2. presents for Council's endorsement proposed updates to the policy for dealing with complaints about the public official; and
3. provides a yearly update on formal complaints received by Council.

### Background:

Council has a suite of policies and procedures to handle complaints, as follows:

- Complaint Management Policy (last updated 22 April 2021)
- Complaint Management Procedure (last updated 4 March 2022)
- Complaint (Public Official) Policy (last updated 29 June 2021), which is a statutory policy required for dealing with any complaint received about the CEO
- Housing Complaint Management Policy (last updated 30 June 2021)

The Complaint Management Procedure requires the CEO to provide an annual report to Council on the operation of the Complaint Management Procedure, including identifying and analysing any complaint trends and significant issues, and any recommendations for improvement. The last report was provided in August 2021. Particulars of each complaint and the outcome are recorded in Council's Complaint Management Register which is maintained by the CEO with the assistance of the Legal Services Division.

### Comment:

#### Complaint Management Policy update

The Complaint Management Policy is due for review.

It is proposed to make the following minor changes to the Policy and otherwise re-endorse the Policy:

1. Set a review date of 1 July 2023.
2. Update the CEO signatory details.



## **Complaint (Public Official) Policy update**

Section 48A of the *Crime and Corruption Act 2001* (the Act) places an obligation on public officials to prepare a policy about how they will deal with a complaint about corrupt conduct against the public official themselves. This includes the ability of a public official to nominate a person (other than the public official) to deal with any complaint of corruption against the public official, and notify the Crime & Corruption Commission of the same.

The Complaint (Public Official) Policy is due for review.

It is proposed to make the following minor changes to the Policy and otherwise re-endorse the Policy:

1. Set a review date of 1 July 2023.
2. Update the CEO contact and signatory details.

Section 48A states:

*Policy about how complaints involving public official are to be dealt with*

*(1) A public official must, in consultation with the chairperson, prepare a policy about how the unit of public administration for which the official is responsible will deal with a complaint that involves or may involve corruption of the public official.*

*(2) The policy may nominate a person other than the public official to notify the commission of the complaint under section 37 or 38, and to deal with the complaint under subdivision 1 or 2, on behalf of the public official.*

*(3) If the policy includes a nomination as mentioned in subsection (2), this Act applies as if a reference about notifying or dealing with the complaint to the public official were a reference to the nominated person.*

*Example of operation of subsection (3)—*

*If a policy prepared under this section for a unit of public administration includes a nomination as mentioned in subsection (2)—*

*(a) under section 38 as applying under subsection (3), the nominated person must notify the commission of complaints about the relevant public official that the person suspects involve or may involve corrupt conduct; and*

*(b) under section 35(1)(b) as applying under subsection (3), the commission may refer complaints about the relevant public official to the nominated person for the nominated person to deal with; and*

*(c) under section 42 or 44 as applying under subsection (3), the nominated person must deal with complaints about the relevant public official referred to the nominated person by the commission.*

*(4) In this section—*

*complaint includes information or matter.*

## **Complaints Annual Report**

This report summarises:

- The number and type of complaints received during the financial year 1 July 2021 to 30 June 2022, compared to the number received in the previous financial year;
- The number and type of 2021/22 complaints that remain open; and
- The number and type of complaints closed during the 2021/22 financial year, noting which complaints were from the 2021/22 financial year and which were from a previous financial year.

A summary table with the complaints statistics is attached to this report.

Council received 67 complaints in 2021/22.

The number of complaints received by Council continues to increase:

- 2018/19: 33 complaints received

- 2019/20: 31 complaints received
- 2020/21: 62 complaints received
- 2021/22: 67 complaints received

The reasons for this increasing trend in complaints are unknown. However, it is noted that most complaints are received through the Council website, which allows complainants to submit complaints anonymously. It is possible that the number of complaints is increasing as staff and community become aware of this means of submitting complaints anonymously.

Complaints are broken down into the following categories:

- Performance of a Council employee, contractor or agent
- Action or inaction taken/failed to be taken by Council (“administrative action”)
- Complaint regarding Council enterprise
- Complaint against a Councillor
- Privacy complaint
- Human rights complaint

The number of complaints about employees or contractors continues to increase:

- 2018/19: 21 performance complaints
- 2019/20: 23 performance complaints
- 2020/21: 35 performance complaints
- 2021/22: 40 performance complaints

The number of “administrative action” complaints has dropped from last year:

- 2018/19: 8 “administrative action” complaints
- 2019/20: 7 “administrative action” complaints
- 2020/21: 26 “administrative action” complaints
- 2021/22: 14 “administrative action” complaints

There was 1 complaint about a Council enterprise (compared to 1 complaint in each of the years 2018/19, 2019/20 and 2020/21).

There was 1 privacy/human rights complaint (same as in 2020/21, compared to nil in both 2018/19 and 2019/20).

Council received 15 complaints about councillor conduct (compared to 3 in 2018/19, nil in 2019/20 and 1 in 2020/21). This includes complaints received by Council and referred to the Office of the Independent Assessor (OIA) as well as complaints notified to Council by the OIA and dismissed by the OIA.

Council closed 46.27% (31 out of 67) of the complaints received in 2021/22, in addition to closing 6 complaints from previous years. There is a continuing decreasing trend in the rate of complaints being closed in the year they are received:

Reporting year	Number of complaints closed	Percentage of complaints closed
2018/19	26 out of 33 plus 11 from previous years	78%
2019/20	17 out of 31 plus 7 from previous years	54.84%
2020/21	29 out of 62 plus 12 from previous years	46.77%
2021/22	31 out of 67 plus 6 from previous years	46.27%

The remaining 36 complaints from 2021/22 are ongoing, and there are an additional 7 complaints outstanding from previous years. Thus, the total number of ongoing complaints is 43 (compared to 38 in 2020/21, 17 in 2019/20, and 12 in 2018/19).

This indicates that complaints are continuing to take longer to process than in the past. The 2019/20 audit also noted that Council's turnaround time on responding to complaints had slowed. The review of the Complaint Management Policy and Procedure in April 2021 did not result in a faster turnaround time for complaints. In last year's complaints annual report (August 2021), it was proposed that this issue could be addressed through the delegation of complaints decision-making to the new position of Executive Director Corporate Services (with certain exceptions).

Accordingly, on 4 March 2022 the Complaint Management Procedure was updated. The new process is as follows:

1. Legal Services assesses each complaint upon receipt.
2. Complaints are then actioned under the procedure as follows:
  - a. The CEO deal with complaints about alleged corrupt conduct (CCC matters), complaints involving public interest disclosures (PID), and liaises with the OIA on complaints about the conduct or performance of Councillors. Legal Services handles the administration of these complaints.
  - b. ED Corporate Services (as the CEO's Delegate) deals with complaints about administrative action, human rights, privacy, and competitive neutrality. Legal Services handles the administration of these complaints.
  - c. Head of People & Wellbeing handles complaints about the performance of Council employees (other than public official complaints, public interest disclosures and allegations of corrupt conduct) and staff grievances, in consultation with the Executive Director for the employee who is the subject of the complaint. HP&W handles the administration of these complaints.
  - d. Public official complaints are handled by the Mayor. Legal Services handles the administration of these complaints. This year, a separate webform has been set up on the Council website for public official complaints, to allow these complaints to be lodged directly to the Mayor.
3. Where appropriate, Council outsources complaints for independent external investigation. Legal Services requests quotes to assist with selecting a service provider to undertake each investigation.

This new arrangement minimises the number of the complaints that the CEO has to deal with and allows EDCS and People & Wellbeing to handle the administration of employee performance complaints (rather than Legal Services). Legal Services provides the CEO & EDCS with a status update every couple of months on complaints that sit with each of them respectively.

However, the increasing number of complaints, and the fact that most complaints are about employee performance, means that the procedural changes delegating decision-making power are not likely to result in a faster turnaround time for complaints, as the burden of investigating and making recommendations on complaints still falls with the relevant Executive Director or Head Manager and the Head of People & Wellbeing. It appears that more resources are required in order to improve the turnaround time for complaints.

The Audit Committee recommended that all staff receive training on the complaints process. A Complaint Management Procedure Learning Module is being developed by Legal Services, to be rolled out in FY22/23.

## **Considerations**

### Risk Management

#### Risk Assessment:

The proposed policy updates are required for statutory compliance and are recommended for best-practice complaint management.

#### Audit risk:

The 2019/20 audit noted that Council's turnaround time on responding to complaints had slowed. The review of the Complaint Management Policy and Procedure in April 2021 did not result in a faster turnaround time for complaints. The Complaint Management Procedure was updated again on 4 March 2022 to delegate complaints decision-making to the new position of Executive Director Corporate Services (with certain exceptions). It is not yet clear whether this new arrangement will improve the turnaround time. Given the increasing number of complaints, it appears that more

resources are required in order to improve the turnaround time for complaints.

**Reputational risk:**

Slow complaints turnaround could negatively impact Council's reputation. Council's policy goal is to respond quickly and efficiently to complaints in a fair and objective way. This is a continuing area for improvement.

**Council Finance**

There is an existing Legal Services budget allocation for complaint investigations.

There is an existing People & Wellbeing budget allocation for complaint and grievance investigations.

**Consultation:**

- Audit Committee
- Legal Services Division
- Executive Director Corporate Services
- Head of People & Wellbeing
- Chief Executive Officer
- MacDonnells Law
- Queensland Ombudsman
- Office of the Independent Assessor
- Crime and Corruption Commission

**Links to Strategic Plans:**

TSIRC Corporate Plan 2020–2025

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

Outcome 8: We manage Council affairs responsibly for the benefit of our communities.

**Statutory Requirements:**

*Local Government Act 2009*

*Local Government Regulation 2012*

*Crime and Corruption Act 2001*

*Human Rights Act 2019*

*Public Interest Disclosure Act 2010*

*Public Sector Ethics Act 1994*

**Conclusion:**

It is recommended that Council resolve to adopt the updated Complaint Management Policy, the updated Complaint (Public Official) Policy, and note the complaints annual report.



**Recommended:**

Peter Krebs

A/Executive Director Corporate Services



**Endorsed:**

James William

Chief Executive Officer

## SUMMARY OF COMPLAINTS FOR FINANCIAL YEAR 2021/22

<b>Complaint category*</b>	<b>Received in 2021/22</b>	<b>Ongoing 2021/22 Complaints</b>	<b>Closed in 2021/22^</b>
<b>A</b> (about the performance of a Council employee, contractor or agent)	<b>40</b> <i>(35 in 2020/21)</i> <i>(23 in 2019/20)</i>	<b>23</b> (plus 1 from previous years)	<b>17</b> (plus 6 from previous years)
<b>B</b> (about “administrative action”, i.e. action or inaction taken/failed to be taken by Council)	<b>14</b> <i>(26 in 2020/21)</i> <i>(7 in 2019/20)</i>	<b>8</b> (plus 2 from previous years)	<b>6</b>
<b>C</b> (about a Council enterprise)	<b>Nil</b> <i>(1 in 2020/21)</i> <i>(1 in 2019/20)</i>	<b>Nil</b> (plus 1 from previous years) <b>233</b>	<b>Nil</b>
<b>D</b> (against a Councillor)	<b>15</b> <i>(1 in 2020/21)</i> <i>(Nil in 2019/20)</i>	<b>5</b> (plus 3 from previous years)	<b>10</b>
<b>E</b> (privacy complaint)	<b>1</b> <i>(1 in 2020/21)</i> <i>(Nil in 2019/20)</i>	<b>1</b>	<b>Nil</b>
<b>F</b>	<b>1</b>	<b>1</b>	<b>Nil</b>

(human rights complaint)	<b>(1 in 2020/21)</b>		
<b>Total actual complaints:</b>	<b>67</b>  <b>(62 in 2020/21)</b> <b>(31 in 2019/20)</b>	<b>36</b>  <b>(plus 7 from previous years)</b>	<b>31</b>  <b>(plus 6 from previous years)</b>

\*Note: A single complaint can fall into more than one category.

^Note: Complaints closed in this financial year may have been received by Council in this financial year or a previous financial year, as indicated.

### Complaint categories:

A	Performance of a Council employee, contractor or agent
B	Action or inaction taken/failed to be taken by Council (“administrative action”)
C	Complaint regarding Council enterprise
D	Complaint against a Councillor
E	Privacy complaint
F	Human rights complaint

# Complaint Management Policy

**Responsible Manager**

Chief Executive Officer

**Head of power**

*Local Government Act 2009  
Local Government Regulation 2012  
Public Service Act 2008 (Qld)  
Industrial Relations Act 1999 (Qld)  
Anti-Discrimination Act 1991 (Qld)  
Sex Discrimination Act 1984 (Cth)  
Racial Discrimination Act 1975 (Cth)  
Disability Discrimination Act 1992 (Cth)  
Human Rights and Equal Opportunity Act 1986 (Cth)  
Human Rights Act 2019 (Qld)  
Public Sector Ethics Act 1994 (Qld)  
Crime and Corruption Act 2001 (Qld)  
Queensland Competition Authority Act 1997 (Qld)*

**Authorised by**

Council

**Authorised on**

~~22 April 2021~~ INSERT

**Implemented from**

28 March 2017

**Last reviewed**

~~April 2021~~ July 2022

**Review history**

2018, 2019, 2021, 2022

**To be reviewed on**

~~30 June 2022~~ 1 July 2023

**Corporate Plan**

Art, Culture, People

## 1. Purpose

Council is strongly committed to ensuring that the local government principles are reflected in its handling of complaints.

## 2. Application

- (a) This Complaint Management Policy and Council's Complaint Management Procedure (SPO 9 PR 1) apply to:
  - i. all external complaints (from contractors, members of public, etc.) received by Council, including anonymous complaints; and
  - ii. all internal complaints dealing with matters other than personal work-related grievances (being grievances personal to the complainant about matters arising in the work environment) received by Council.

This Complaint Management Policy and Council's Complaint Management Procedure (SPO 9 PR 1) do not apply to internal 'grievances', being any type of problem, concern, or complaint relating to an employee's work or the work environment. Grievances are dealt with under Council's Grievance and Investigation Management Procedure (PO2- PR21).

- (b) Council will apply Council's Public Interest Disclosure Policy and Management Program to:
  - i. assess whether a complaint is a public interest disclosure under the *Public Interest Disclosure Act 2010* (Qld); and
  - ii. manage any complaint that Council considers to be a public interest disclosure.
- (c) The Complaint Management Policy and Procedure apply for the purpose of:
  - i. section 268 of the *Local Government Act 2009* (Qld) and section 306 of the *Local Government Regulation 2012* (Qld) (administrative action complaints); and
  - ii. section 48 of the *Local Government Act 2009* (Qld) and sections 44 and 45 of the *Local Government Regulation 2012* (Qld) (competitive neutrality complaints).
- (d) Where the Office of the Independent Assessor refers a complaint about suspected inappropriate conduct to Council for investigation, Council shall investigate the complaint in accordance with Council's Investigations Policy.
- (e) This Policy applies to all local government 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), *Local Government Regulation 2012* (Qld), *Public Sector Ethics Act 1994* (Qld), *Public Interest Disclosure Act 2010* (Qld), *Human Rights Act 2019* (Qld) and *Crime and Corruption Act 2001* (Qld).



## Policy Statement

- (a) Council acknowledges that people have a right to make complaints about its actions.
- (b) Council shall maintain open and transparent internal and external complaints management processes enabling continuous review of the conduct of Council, its employees, Councillors, contractors and agents.
- (c) Council is committed to encouraging the internal reporting of wrongdoing.
- (d) Council shall ensure that people are given help to make their complaint
- (e) Council shall ensure that people are not disadvantaged or treated unfairly after they make a complaint, and that Council provides appropriate protection and support to people who make public interest disclosures, and others related to a complaint.
- (f) Council shall respond quickly and efficiently to complaints in a fair and objective way, and deal with each complaint in accordance with the principles of natural justice.
- (g) Council, local government employees, Councillors, contractors and agents of Council shall conduct itself/ themselves strictly in accordance with the Local Government Principles set out in section 4(2) of the *Local Government Act 2009* (Qld) and the Ethics Principles set out in section 4(2) of the *Public Sector Ethics Act 1994* (Qld), namely: -
  - i. transparent and effective processes, and decision-making in the public interest; and
  - ii. sustainable development and management of assets and infrastructure, and delivery of effective services; and
  - iii. democratic representation, social inclusion and meaningful community engagement; and
  - iv. good governance of, and by, local government; and
  - v. ethical and legal behaviour of Councillors and local government employees; and
  - vi. integrity and impartiality;
  - vii. promoting the public good;
  - viii. commitment to the system of government; and
  - ix. accountability and transparency.
- (h) A failure of a local government employee, Councillor, contractor or agent to conduct oneself strictly in accordance with the Local Government Principles and Ethics Principles shall be thoroughly investigated by Council and if proven, met with appropriate disciplinary action as available under Council Policy, Procedure and/or Regulation, including but not limited to mandatory reporting to regulatory bodies (e.g. the Queensland Crime and Corruption Commission, the Office of the Independent Assessor or the Chief Executive Officer of the Department of Local Government, Community Recovery and Resilience). A person who provides false or misleading information or makes false or misleading allegations may face disciplinary action.

Manager Responsible for Review:

Chief Executive Officer

**Adoption:** ~~22 April 2021~~

**Due for Revision:** ~~30 June 2022~~ July 2023

Chief Executive Officer

# Complaint (Public Official) Policy

**Responsible Manager**

Chief Executive Officer

**Head of power**

*Local Government Act 2009  
Local Government Regulation 2012  
Crime and Corruption Act 2001 (Qld)*

**Authorised by**

Council

**Authorised on**

~~29 June 2021~~INSERT

**Implemented from**

20 May 2019

**Last reviewed**

~~2021~~2022

**Review history**

2021, 2022

**To be reviewed on**

~~30 June 2022~~1 July 2023

**Corporate Plan**

*TSIRC Corporate Plan 2020–2025*  
Outcome 4: We are a transparent, open and engaging council.  
Outcome 8: We manage Council affairs responsibly for the benefit of our communities

## 1. Purpose

- a. The Chief Executive Officer (CEO) is the public official of Council.
- b. The objective of this policy is to set out how Council will deal with a complaint (also information or matter) that involves or may involve corrupt conduct of its CEO as defined in the *Crime and Corruption Act 2001* (CC Act).

## 2. Application

This policy applies:

- a. if there are grounds to suspect that a complaint may involve corrupt conduct of Council's CEO.
- b. to all local government employees, Councillors, contractors and agents of Council.

For the purpose of this policy a complaint includes information or matter.<sup>1</sup>

## 3. Legislation/Policies

This policy is established with reference to obligations specified in the *Crime and Corruption Act 2001*.

This policy is designed to assist Council to:

- a. Comply with section 48A of the *Crime and Corruption Act 2001*
- b. Promote public confidence in the way suspected corrupt conduct of Council's CEO is dealt with (section 34(c) CC Act)
- c. Promote accountability, integrity and transparency in the way Council deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the CEO

## 4. Definitions & Interpretation

Unless otherwise stated, all statutory references are to the *Crime and Corruption Act 2001*.

Crime and Corruption Commission (CCC)	the Commission continued in existence under the <i>Crime and Corruption Act 2001</i>
CC Act	<i>Crime and Corruption Act 2001</i>
Chief Executive Officer (CEO)	means the Chief Executive Officer of Council
Complaint	includes information or matter. See definition provided by s48A(4) of the <i>Crime and Corruption Act 2001</i>
Contact details (nominated person)	Cr Phillemon Mosby Mayor, Torres Strait Island Regional Council Add: Poruma Island, Queensland 4875

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<sup>1</sup> See section 48(4) CC of the CC Act.

	Tel: 07 4034 5775 Email: Cr.Phillemon.Mosby@tsirc.qld.gov.au Mayoral email: mayor@tsirc.qld.gov.au
Corruption	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
Corrupt conduct	see section 15 of the <i>Crime and Corruption Act 2001</i>
<i>Corruption in Focus</i>	<a href="https://www.ccc.qld.gov.au/publications/corruption-focus">https://www.ccc.qld.gov.au/publications/corruption-focus</a> ; see chapter 2, page 2.6; see chapter 2, page 2.6
Council	Council means Torres Strait Island Regional Council
Deal with	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
Nominated person	see item 5 of this policy
Public Official/CEO	see Schedule 2 (Dictionary) and also s48A of the <i>Crime and Corruption Act 2001</i>
Unit of public administration (UPA)	see section 20 of the <i>Crime and Corruption Act 2001</i>

## 5. Nominated Person

- a. Having regard to section 48A(2) and (3) of the CC Act, this policy nominates Council's Mayor as the nominated person to notify<sup>2</sup> the CCC of the complaint and to deal with the complaint under the CC Act.<sup>3</sup> The Mayor shall refer any such complaint for external investigation. Where the Mayor has a conflict of interest, the Mayor may nominate another Councillor as delegated nominated person.
- b. The CC Act applies as if a reference about notifying or dealing with the complaint to the public official/CEO is a reference to the nominated person.<sup>4</sup>

## 6. Complaints about the CEO

- a. If a complaint may involve an allegation of corrupt conduct of the CEO, the complaint may be reported to:
  - i. the nominated person, or

<sup>2</sup> Under ss37 or 38 of the CC Act.

<sup>3</sup> Under Chapter 2, Part 3, Division 4, Subdivisions 1 & 2 of the CC Act.

<sup>4</sup> See section 48A(3) CC Act.

- ii. a person to whom there is an obligation to report under an Act<sup>5</sup> (this does not include an obligation imposed by sections 37, 38 and 39(1) of the CC Act).
- b. If there is uncertainty about whether or not a complaint should be reported, it is best to report it to the nominated person.
- c. If the nominated person reasonably suspects the complaint may involve corrupt conduct of the CEO, the nominated person must:
  - i. notify the CCC of the complaint,<sup>6</sup> and
  - ii. deal with the complaint, subject to the CCC's monitoring role, when —
    - directions issued under section 40 apply to the complaint, if any, or
    - pursuant to section 46, the CCC refers the complaint to the nominated person to deal with.<sup>7</sup>
- d. If the CEO reasonably suspects that the complaint may involve corrupt conduct on their part, the CEO must:
  - i. report the complaint to the nominated person as soon as practicable and may also notify the CCC, and
  - ii. take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the elected Council.

## **7. Recordkeeping Requirements**

Should the nominated person decide that a complaint, or information or matter, about alleged corrupt conduct of the CEO is not required to be notified to the CCC under s. 38 of the CC Act, the nominated person must make a record of the decision that complies with section 40A of the CC Act.

## **8. Resourcing the Nominated Person**

- a. Council will ensure that sufficient resources are available to the nominated person enable them to deal with the complaint appropriately.<sup>8</sup>
- b. The nominated person must ensure that consultations, if any, for the purpose of securing resources sufficient to deal with the complaint appropriately are confidential and are not disclosed, other than to the CCC, without:
  - i. authorisation under a law of the Commonwealth or the State, or
  - ii. the consent of the nominated person.
- c. The nominated person must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:
  - i. purposes of the CC Act,<sup>9</sup>
  - ii. the importance of promoting public confidence in the way suspected corrupt

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<sup>5</sup> See section 39(2) of the CC Act.

<sup>6</sup> Under section 38, subject to section 40 of the CC Act.

<sup>7</sup> Under sections 43 and 44 of the CC Act.

<sup>8</sup> See the CCC's corruption purposes and function set out in sections 4(1)(b), 33, 34, 35 and Council's relevant statutory, policy and procedural framework which help inform decision making about the appropriate way to deal with the complaint.

<sup>9</sup> See sections 57 and the CCC's corruption purposes and function set out in sections 4(1)(b), 33, 34, 35 of the CC Act.

- conduct in the Council is dealt with,<sup>10</sup> and
- iii. the Council's statutory, policy and procedural framework.
- d. The nominated person:
- i. is delegated the same authority, functions and powers as the CEO to direct and control Council employees, contractors and agents as if the nominated person is the CEO for the purpose of dealing with the complaint only.
  - ii. is delegated the same authority, functions and powers as the CEO to enter into contracts on behalf of Council for the purpose of dealing with the complaint.
  - iii. does not have any authority, function or power that cannot — under the law of the Commonwealth or the State — be delegated by either the elected Council or the CEO, to the nominated person.

## 9. Liaising with the CCC

The CEO is to keep the CCC and the nominated person informed of:

- a. the CEO's contact details
- b. the nominated person's contact details
- c. any proposed changes to this policy

## 10. Consultation with the CCC

The CEO will consult with the CCC when preparing any policy about how Council will deal with a complaint that involves or may involve corrupt conduct of the CEO.

**Adoption:** ~~29 June 2024~~INSERT

**Due for Revision:** ~~30 June 2022~~1 July 2023

Date:

Date:

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~~David Baldwin~~James William

~~Acting~~ **Chief Executive Officer**

Add: PO Box 7336, Cairns, Queensland 4870

Tel: 07 4048 6203

CEO email: ceo@tsirc.qld.gov.au

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Cr Phillemon Mosby

**Mayor**

Add: Poruma Island, Queensland 4875

Tel: 07 4034 5775

Email: Cr.Phillemon.Mosby@tsirc.qld.gov.au

Mayoral email: mayor@tsirc.qld.gov.au

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<sup>10</sup> See section 34(c) CC Act.



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## COUNCIL REPORT

<b>ORDINARY MEETING:</b>	September 2022
<b>DATE:</b>	20 <sup>th</sup> – 21 <sup>st</sup>
<b>ITEM:</b>	Agenda Item for Resolution by Council
<b>SUBJECT:</b>	Contractual Matter – TSIRC 2021-336 Construction Only Dauan Island Multipurpose Court
<b>AUTHOR:</b>	<b>Lochlan Davison – Consultant for Building Services</b>

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### Recommendation:

Council resolves:

- To award contract TSIRC-2021-336– Construction Only Dauan Island Multipurpose Court Separable Portion 1 and Separable Portion 2 to Koppen Construction Pty Ltd for the combined amount of \$ 1,057,953.05 excluding GST.  
and
- Pursuant to section 257 of the *Local Government Act 2009*, to delegate to the Chief Executive Officer:
  - power to make, amend or discharge the TSIRC-2021-336; 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.

### Executive Summary:

The Construction Only Dauan Island Multipurpose Court project has been developed to construct a new multipurpose court facility on Lot 39 / SP270872, Main Road, Dauan Island, QLD. This project is joint funded by the Queensland Government through the Active Community Infrastructure Program and Torres Strait Regional Authority through the Major Infrastructure and Other Projects (MIAOP).

As a result of budgetary constraints, the Construction Only Dauan Island Multipurpose Court was broken down into three separable portions (or work packages) under the contract. Following the procurement process, it was concluded that Koppen Construction Pty Ltd combining separable portions 1 & 2 was within the budget.

Thereby this report has been prepared to recommend that Council award contract TSIRC-2021-336 for the Construction Only Dauan Island Multipurpose Court to Koppen Constructions Pty Ltd.

### Background:

The Construction Only Dauan Island Multipurpose Court project has been developed to construct a new multipurpose court facility on Lot 39 / SP270872, Main Road, Dauan Island, QLD. The current court is no longer fit for purpose due to significant surface cracking from structural damage. Likewise, the grandstand has extensive corrosion compromising its structural integrity and will need to be removed for safety. The design intent is to construct a 505m<sup>2</sup> multipurpose court which will accommodate netball, basketball, and volleyball.

The Construction Only Dauan Island Multipurpose Court is joint funded by the Queensland Government through the Active Community Infrastructure Program and Torres Strait Regional Authority through the Major Infrastructure and Other Projects (MIAOP).

### **Comment:**

#### Tender Scope

As a result of budgetary constraints, the Construction Only Dauan Island Multipurpose Court was broken down into three separable portions (or work packages) under the contract:

- Separable Portion 1 was to undertake the demolition works of the existing structurally unsafe grandstand, all civil works, concrete works to new court and access ramp, non-slip synthetic court surfacing including 3 sport (Basketball, Netball and Volleyball) line marking, supply of netball hoops (posts and infrastructure is existing and in good condition) and installation of perimeter fencing;
- Separable Portion 2 was the supply and installation of all materials for electrical works, minor concrete works (light pole footings, seating slab and footings), installation of sports lighting, installation of spectator seating;
- Separable Portion 3 was the supply of possible additional works which included but were not limited to a shelter of the proposed seating area, fill for levelling out court surrounds, additional concrete surrounds, additional non-slip synthetic court surfacing, demolition of existing retaining wall and installation of new retaining wall, and provision of additional professional services fees and applicable charges.

It was determined by the evaluation team that separable portion 1 and separable portion 2 would be undertaken.

#### Funding program

The Construction Only Dauan Island Multipurpose Court is joint funded by the Queensland Government through the Active Community Infrastructure Program and Torres Strait Regional Authority through the Major Infrastructure and Other Projects (MIAOP).

Active Community Infrastructure Program:

- Council was approved for the funding on the 14<sup>th</sup> of February 2020 and entered into an agreement with Funders on the 26<sup>th</sup> of June 2020. The approved funding under the Active Community Infrastructure Program is \$690,000 (ex GST) in addition to this Council had committed \$26,833.00 for a combined project budget of \$716,833.00(ex GST).
- The payment/funding schedule is divided into two instalments.
  - The first payment has been receipted by Council for the amount of \$345,000.00(ex GST).
  - The second payment has not been released to date. This will be released upon the completion of all pre-construction conditions and receipt of the first payment acquittal report to the Department's satisfaction. The amount to be released is \$345,000.00(ex GST).

Major Infrastructure and Other Projects (MIAOP)

- The Council sent a letter to TSRA requesting additional funding on the 6<sup>th</sup> of May 2022. On the 29<sup>th</sup> of June 2022, TSRA issued a letter of offer to the Council for a grant of \$600,254.67 (ex GST). Council entered into an agreement with TSRA on the 30<sup>th</sup> of June 2022.
- The payment/funding schedule is divided into two instalments:
  - Portion one (1) is for the amount of \$354,294.67 (ex GST) and will be paid by MIAOP Trust on completion of the agreed milestone activities.
  - Portion two (2) is for the amount of \$245,960.00 (ex GST) and will be paid by MIAOP Trust on completion of the agreed milestone activities.



### Tender details and result

In accordance with the *Local Government Regulation 2012* and Council's Procurement and Ethical Sourcing Policy, a quotation process was undertaken for contract number TSIRC-2021-336. Submissions were invited under the Council's Register of Pre-qualified Suppliers in line with section 232 of the *Local Government Regulation 2012*, Exception for register of pre-qualified suppliers.

The tender/quotation process was conducted through Vendorpanel.

Table 1 below outlines the tender/quotation process undertaken for tender TSIRC-2021-336

Description	Details
Advertising	Quotation
Original Tender Closing Date and Time	17 <sup>th</sup> November 2021 at 5pm
Tender period	21 days
Re-Tender closing date and time	30 <sup>th</sup> May 2022 at 5pm
Tender period	7 days
Submissions received	3 submissions

Respondents and prices are summarised in the table 2 below (excluding GST).

Respondent	Tendered price (price for Portion 1)	Tendered price (price for Portion 2)	Tendered price (price for Portion 3)	Rationalised tender price (combined price for Portion 1 and Portion 2 - as per post tender clarification No.1)
Koppen Constructions Pty Ltd	\$719,479.45	\$658,473.60	\$717,686.05	\$1,057,953.05
Robert Clarke Builders Pty Ltd	\$1,058,400.00	\$527,520.00	\$752,075.00	\$1,553,920
WIP Constructions Pty Ltd	\$1,075,922.00	\$1,202,202.00	\$870,648.00	\$1,598,880

### Tender review panel members

The tenders were assessed by the following Council officers:

- Lochlan Davison – Project Manager / Consultant for Building Services
- Jamie Style – Project Manager / Consultant for Building Services

- Michael Wright - Principal Development Officer, Infrastructure Delivery, Infrastructure Partnerships Office. Department of Tourism, Innovation and Sport

#### Ranking of submissions

The evaluation was undertaken with regard to the sound contracting principles in the *Local Government Act 2009*, section 104 – Value for money, Open and effective competition, Development of competitive local business and industry, Environmental protection, and Ethical behaviour and fair dealing.

The following evaluation criteria and weightings were utilised:

- Relevant experience and track record – 10%
- Key Personnel, Skills and Communication – 10%
- Resources and management systems – 5%
- Demonstrated methodology and understanding – 20%
- Business profile (local, social and sustainability) – 5%
- Value for money – 40%
- Indigenous Economic Opportunities Plan – 10%

Following scoring and evaluation, Koppen Construction Pty Ltd was the highest ranked submission (see Table 3 below).

<b>Criteria</b>	<b>Koppen Construction Pty Ltd</b>	<b>Robert Clarke Builders Pty Ltd</b>	<b>WIP Construction Pty Ltd</b>
Relevant experience and track record	2	1.7	1.7
Key Personnel, Skills, and Communication	1.8	1.6	1.7
Resources and management systems	0.9	0.75	0.85
Demonstrated methodology and understanding	3.6	3.6	3.8
Business profile (local, social and sustainability)	1.05	1.1	1
Value for money	7.2	5.6	4
Indigenous Economic Opportunities Plan	2.4	2.2	2.2

<b>Total score</b>	18.95	16.55	15.25
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A summary of the final tender evaluation scores is summarised in the table 4 below.

<b>Respondent</b>	<b>Consolidated score (out of 5/10)</b>	<b>Final tender price ((combined price for Portion 1 and portion 2 - as per post tender clarification No.1)</b>
Koppen Construction Pty Ltd	1	\$1,057,953.05
Robert Clarke Builders Pty Ltd	2	\$1,553,920.00
WIP Construction Pty Ltd	3	\$1,598,880.00

The tender evaluation criteria were prepared per the response schedule which formed part of the tender documentation. All weightings are agreed upon by the evaluation panel before individual scoring and are based on the complexity of the project. The complexity of the project is relative to project requirements/scope of works, project risk, and the environment in which the project exists.

Table 5 below outlines the evaluation criteria used in the tender evaluation process undertaken for TSIRC-2021-336. This table has been adapted from the probity and evaluation plan.

<b>Criteria</b>	<b>Scoring methodology</b>
Value for Money	<p>The score for the price shall be determined utilizing the following formula:</p> <ul style="list-style-type: none"> <li>• Has the pricing schedule been completed and within the project budget?</li> <li>• were variation rates completed? (If applicable)</li> <li>• Has a cash flow been provided? (If applicable)</li> </ul>
Relevant Experience and Track Record	<p>The Evaluation Panel shall consider the following (but not necessarily exclusively):</p> <ul style="list-style-type: none"> <li>• Is the Experience and Technical Capacity in the Response Schedule relevant to the project?</li> </ul>
Key Personnel, Skills and Communication	<p>The Evaluation Panel shall consider the following (but not necessarily exclusively):</p> <ul style="list-style-type: none"> <li>• Details of key personnel / CVs of key personnel</li> <li>• Details of organizational structure for the Works</li> <li>• Provide details of subcontractors, suppliers, and consultants (as applicable)</li> </ul>
Resources and Management Systems	<p>The Evaluation Panel shall consider the following (but not necessarily exclusively):</p> <ul style="list-style-type: none"> <li>• Provided details of plant, equipment, and materials available to deliver the project.</li> <li>• Does the respondent possess a management system, and have they been provided?</li> </ul>

Criteria	Scoring methodology
	<ul style="list-style-type: none"> <li>Are Management systems third-party certified?</li> </ul>
Demonstrated Understanding and Methodology	<p>The Evaluation Panel shall consider the following (but not necessarily exclusively):</p> <ul style="list-style-type: none"> <li>Provided a statement of the proposed arrangements, procedures, and methodologies to be adopted.</li> <li>Is the methodology project-specific?</li> <li>Has a project program been provided and is the anticipated completion date in line with the contract?</li> </ul>
Business Profile (Local, Social and Sustainability)	<p>The Evaluation Panel shall consider the following (but not necessarily exclusively):</p> <ul style="list-style-type: none"> <li>Has a business profile been provided?</li> <li>Is the respondent local to the Torres Strait Region?</li> <li>What is the percentage of Indigenous workforce?</li> <li>Detail the extent of works to be supplied in terms of labour, plant hire, subcontractors and material.</li> <li>suppliers from the Principal's Local Government Area</li> </ul>
Indigenous Economic Opportunities Plan	<p>The Evaluation Panel shall consider the following (but not necessarily exclusively):</p> <ul style="list-style-type: none"> <li>Contractor compliance with the Queensland Government Building and Construction Training Policy</li> </ul>

#### Commentary on the different submissions

- At the close of the Quotation period, the Council received three (3) submissions. All submissions were evaluated by the evaluation panel. It was concluded that all tender submissions were substantially in the form and contained substantially all the information and documentation required by the Response Schedules.
- A post-tender clarification was issued to all three (3) respondents to confirm that all WUC had been allowed for in the project schedules and if there were any cost savings by combining separable portions.
- It was concluded that WIP Construction Pty Ltd and Robert Clarke Builders Pty Ltd were still significantly over the project budget.
- It was concluded that Koppen Construction Pty Ltd combining separable portions 1 & 2 was within the budget.

#### Projected Project Milestones

Table 6 below summarises the delivery milestones for this project, based on the funding program and the program submitted by Koppen Construction Pty Ltd. It must be noted that the program submitted by the recommended contract was received on the 21<sup>st</sup> of July 2022 and contains dates that may have passed before the contract going to the Council meeting.

Description	Forecast Completion Date
Council resolution or contract award	26 <sup>th</sup> September 2022

Letter of award to be issued	1 week after Council resolution
Contractor to mobilise on site	1 month after receipt of letter of award
Practical completion of siteworks	2 months after mobilisation on site

A tender evaluation and program can be provided if required.

#### Summary and recommendation

The assessment and evaluation of submissions resulted in Koppen Constructions Pty Ltd being the recommended contractor. Therefore, it is recommended that Council award contract TSIRC-2021-336 for the Construction Only Dauan Island Multipurpose Court to Koppen Constructions Pty Ltd.

### **Considerations**

#### Risk Management

Technical Risks: Due to the complexity of undertaking a project on Dauan island some risks need to be considered and managed accordingly to ensure the project's success. A project risk management plan has been developed and can be provided if required.

Financial risks: variation to the contract is a risk to the project as unforeseen additional works can be realised on site. to mitigate this thorough site investigations have been undertaken by the design and project teams.

#### Council Finance

There is a minimal financial risk to the Council as the project is majority funded by the following external grants:

- Queensland Government's through the Active Community Infrastructure Program; and
- Torres Strait Regional Authority through the Major Infrastructure and Other Projects (MIAOP).

#### **Consultation:**

- Councillors as appropriate
- Council's Building Services Unit
- Funding Body's
- External Consultants

#### **Statutory Requirements:**

*Local Government Act 2009*

*Local Government Regulation 2012*

**Conclusion:**


That Council resolves to award contract TSIRC-2021-336 to Koppen Constructions Pty Ltd and delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to execute and finalise this matter.



**Endorsed:**  
Nicholas Sturges  
Acting Head of Building Services



**Recommended:**  
Wayne Green  
Executive Director Building Services



**Approved:**  
James William  
Chief Executive Officer



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT

<b>ORDINARY MEETING:</b>	September 2022
<b>DATE:</b>	20-21 September 2022
<b>ITEM:</b>	Agenda Item for Resolution by Council
<b>SUBJECT:</b>	Change of October OM meeting date
<b>AUTHOR:</b>	Mette Nordling, Manager, Governance and Compliance

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### **Recommendation:**

Council resolves to move the October 2022 Ordinary Meeting of Council from 18-19 October 2022 to 11-12 October 2022.

### **Executive Summary:**

Due to the Local Government Association Queensland (LGAQ) Annual Conference being held from 17 to 19 October 2022 it is considered pertinent to move the meeting to a different date to ensure Council's attendance at the LGAQ event.

### **Background:**

At Council's Ordinary Meeting in December 2021 Council resolved to hold the October Ordinary Meeting on 18-19 October 2022.

Following on from this meeting, the LGAQ event has been scheduled to take place during the same week. It is considered to be in the interest of Council that Council's ordinary meeting is rescheduled to ensure Council's attendance at the conference.

### **Comment:**

As this year's LGAQ Annual Conference is being held in Cairns it is a welcome opportunity for Council to attend this event.

Moving the October Ordinary meeting to 11 and 12 October 2022 also means that Council's 2021/22 Annual Report can be endorsed at this Ordinary meeting and a Special meeting not required for endorsement of the Annual Report.

### **Considerations**

#### Risk Management

There is not considered to be any risk associated with this date change.

### Council Finance

There is no cost to Council as this meeting is scheduled to take place via VMR.

#### **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 reschedule the October 2022 Ordinary Meeting of Council to 11 and 12 October 2022.



#### **Author:**

Mette Nordling  
Manager, Governance and Compliance



#### **Approved:**

James William  
Chief Executive Officer