

# MINUTES

TORRES STRAIT ISLAND REGIONAL COUNCIL

NOVEMBER 2020

Monday 16<sup>th</sup> November 2020, 11:23am – 4:35pm

Tuesday 17<sup>th</sup> November 2020, 9:02am – 5:24pm

Corporate Conference Room, Barlow Park, CAIRNS

## **Monday 16<sup>th</sup> November 2020**

### **Present**

Cr Phillemon Mosby, Mayor  
Cr Dimas Toby, Division 1 – Boigu  
Cr Torenzo Elisala, Division 2 – Dauan  
Cr Conwell Tabuai, Division 3 – Saibai  
Cr Keith Fell, Division 4 – Mabuig  
Cr Laurie Nona, Division 5 – Badu  
Cr Lama Trinkoon, Division 6 – Kubin, Mua Island  
Cr John Levi, Division 7 – St Pauls, Mua Island  
Cr Seriako Dorante, Division 8 – Kirriri  
Cr Getano Lui Jnr, Division 9 – Iama  
Cr Kabay Tamu, Division 10 – Warraber  
Cr Francis Pearson, Division 11 – Poruma  
Cr Hilda Mosby, Division 12 – Masig  
Cr Rocky Stephen, Division 13 – Ugar  
Cr Aven Noah, Division 15 – Mer

Ms Hollie Faithfull, Acting Chief Executive Officer (Acting CEO)  
Mr Ilario Sabatino, Chief Operating Officer (COO)  
Mr David Baldwin, Chief Engineer (CE)  
Ms Nicola Daniels, Acting Chief Financial Officer (Acting CFO)  
Mr Peter Krebs, Senior Legal Counsel (SLC)  
Mrs Ursula Nai, Senior Executive Assistant (SEA)  
Mrs Kathy Cochran – Secretariat Officer (SO)

### **Apologies**

## **COUNCIL ORDINARY MEETING**

**Tuesday 17<sup>th</sup> November 2020**

1. **11:23pm – 11:24pm**

### **Welcome and Opening Remarks**

Mayor Mosby welcomed Councillors and staff and opened the November 2020 Ordinary Meeting.

2. **11:24pm – 11:25pm**

### **Apologies**

Cr Toby is in attendance and make application to Council to urgently be excused due to his wife going into emergency surgery.

### **RESOLUTION**

*Moved:* Cr Fell; *Second:* Cr Trinkoon

**That Council accepts the apology from Cr Toby for his absence at the meeting.**

**MOTION CARRIED**

3. **11:25pm – 11:26pm**

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

- Cr Pearson declared a conflict of interest for Agenda Item # 8 – LEGAL – Development Application – Poruma Seawall. Cr Pearson is the local Councillor for Poruma.
- Cr Mosby declared a prescribed conflict for Agenda Item #6 – LEGAL – Development Application – Masig Lot 20 & Agenda Item #7 – LEGAL – Development Application – Masig Lot 26  
Cr Mosby in is a close relative to both Lessee.
- Mayor Mosby declared a conflict of interest for Agenda Item # 8 – Development Application – Poruma Seawall. Mayor Mosby is a local resident of Poruma and is based on Poruma in his Mayoral capacity.

Mayor Mosby encouraged staff to make a declaration at any time during the meeting if the need arises.

4. **11:26pm – 11:29pm**

### **Confirmation of Meeting Minutes – November 2020 Ordinary Meeting**

#### **AMENDMENTS**

- Cr Fell asked for his request to be added to the Action Items list.
- Cr Fell request at the November meeting regarding the Councillors Business cards being changed to go back to the original card which had the map of the Torres Strait Region on the back of the card be added to the Action
- Delete from attendance list – Cr Boggo Gela - Division 14 – Erub. Position is vacant.

### **RESOLUTION:**

*Moved:* Cr Nona; *Second:* Cr Noah

**That the minutes of the Council Ordinary Meeting held in November 2020 in Cairns, be adopted as a true and accurate record of that meeting with the above amendments.**

**MOTION CARRIED**

5. **11:29pm – 11:53pm**

### **Outstanding Ordinary Meeting Action Items**

CEO provided an update to Councillors on the outstanding Ordinary meeting action items.

6. **11:53pm – 11:55pm** **LEGAL – Development Application – Masig Lot 20**  
11.53 pm - Cr Hilda Mosby previously declared a prescribed conflict of interest and left the room. It is also noted Cr Laurie Nona and Cr Torenzo is not in the room. Cr Dimas is also absent and was previously excused.

Mr Peter Krebs, Senior Legal Counsel spoke to the report.

**RESOLUTION:**

*Moved:* Cr Tabuai; *Second:* Cr Trinkoon

**That Council issue a Development Permit for ‘Reconfiguration of a Lot’ (1 Lot into 3 Lots) – Proposed Lots 20, 38 and 201 cancelling Lot 20 on SP277431 with the inclusion of the conditions set out in Part 6 of the Agenda Report for Masig Island, Masig QLD 4875**

**MOTION CARRIED**

7. **11:55am – 11:57am** **LEGAL – Development Application – Masig Lot 26**  
Cr Nona, Cr Elisala, Cr Toby, and Cr Hilda Mosby are not present in the room.

Mr Peter Krebs, Senior Legal Counsel spoke to the report.

**RESOLUTION:**

*Moved:* Cr Pearson; *Second:* Cr Tamu

**That Council issue a Development Permit for ‘Reconfiguration of a Lot’ (1 Lot into 2 Lots) – Proposed Lots 26 and 261 cancelling Lot 26 on SP277431 with the inclusion of the conditions set out in Part 6 of the Agenda Report for Masig Island, Masig QLD 4875**

**MOTION CARRIED**

8. **11:57am – 12:00pm** **LEGAL – Development Application – Poruma Seawall**  
11:57am – Cr Hilda Mosby back in the room.

Mr Peter Krebs, Senior Legal Counsel spoke to the report.

**RESOLUTION:**

*Moved:* Cr Pearson; *Second:* Cr Stephen

**That Council issue a Development Permit for ‘Operational Works (Prescribed Tidal Works) Stages 4&5 and Environmental Authority (Material Change of Use ) for Dredging for Stages 1-5’ with the inclusion of the conditions set out in Part 6 of the Agenda Report, for the Seawall on Poruma (Coconut Island).**

**MOTION CARRIED**

**12:00pm – 1:06pm – LUNCH**

9. **1:06pm – 1:17pm** **LEGAL – Divestment Policy**  
Mr Peter Krebs, Senior Legal Counsel spoke to the report.  
Council raised the Enterprise Development Strategy and the need for the Strategy to come before the Full Council. It is suggested the Strategy goes through the Economic Growth Standing Committee.

**RESOLUTION:**

*Moved:* Cr Pearson; *Second:* Cr Nona

**That Council notes the report as presented.**

**MOTION CARRIED**

**ACTION:** Send this Divestment Policy report to the Economic Growth Standing Committee for discussion.

10. **1:40pm – 1:41pm** **LEGAL – Delegation Register Update**

Mr Peter Krebs, Senior Legal Counsel spoke to the report.

**ITEM LEFT LYING ON THE TABEL**

11. **1:41pm – 1:59pm** **CORPORATE – Community Grants Program Allocation – November 2020**

Mayor encouraged Councillors to declare and conflicts.

- Cr Fell declared a prescribed conflict of interest for Applicant 2 – Tigi Bani. Cr Fell is Tigi Bani's father.
- Cr Stephen declared a conflict of interest of interest for Applicant 8 – Stephen Island Campus P&C Association. Cr Stephen is a member of the Stephen Island Campus P&C Association.

Acting Chief Financial Officer spoke to this report. After some discussion Council will revisit the paper on the second day.

**ITEM LEFT LYING ON THE TABLE**

**ACTION:** HOCAE - Amend the Community Grants Policy as per the workshop discussion.

**ACTION:** HOCAE - Notify applicants of the change to the Policy and their application being unsuccessful.

12. **1:59pm- 2:32pm** **CORPORATE – Operational Plan – Q1 Update**

Acting Chief Financial Officer spoke to this report. Cr Fell asked about remuneration for the Standing Committee – ACFO took on notice.

**ACTION:** CEO to arrange to have each department with in TSIRC to present an Executive summary to the full Council.

**RESOLUTION:**

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

**That Council resolves to not the Operational Plan 2020-21 Quarter 1 Update**

**MOTION CARRIED**

13. **2:32pm – 2:46** **OCEO – Policy Matter – Child Youth Risk Management Policy**

Acting Chief Executive Officer spoke to the report.

**RESOLUTION:**

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

Council resolves to:

1. Adopt the new Child and Youth Risk Management Policy to align with current legislative and industry standard practice and
2. Delegate authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to make further minor administrative amendments as they arise.

**MOTION CARRIED**

14. 2:46pm – 2:49pm ENGINEERING – Funding Matter – SCADA Systems Upgrade  
Chief Engineer spoke to this report.

**RESOLUTION:**

*Moved:* Cr Fell; *Second:* Cr Nona

Council resolves to delegate authority to the Chief Executive Officer under the provision of *the Local Government Act 2009* to:

1. Enter into the proposed Funding Agreement, TSRIC.0014.1920M.QRF for the grant sum of \$268,207.00 excluding GST on the terms and conditions proposed by the Queensland Resilience & Risk Reduction Fund (QRRRF) to the CEOs satisfaction.

**MOTION CARRIED**

15. 2:49pm – 2:54pm BUILDING – Contractual Matter – 50 Yessie St, Warraber  
Chief Operating Officer spoke to the report.

**RESOLUTION:**

*Moved:* Cr Tamu; *Second:* Cr Tabuai

Council resolves to:

1. Submit a tender to the Queensland State Government through the Department of Housing and Public Works to carry out various upgrade works at 50 Yessie Street, Warraber Island (WS153437) with a tender price of \$221,764.99 excl of GST and
2. Delegate to the Chief Executive Officer's submit the tender, enter into contracts, negotiate, finalise and execute any and all matters in relation to this tender.

**MOTION CARRIED**

16. 2:54pm – 3:02pm BUILDING – Contractual Matter – 31 Dabus St, Warraber  
Chief Operating Officer spoke to the report.

- Cr Pearson previously declared a conflict of interest. The Lessee is a close relative. Cr Pearson left the room.

**RESOLUTION:**

*Moved:* Cr Noah; *Second:* Cr Elisala

Council resolves to:

1. Submit a tender to the Queensland State Government through the Department of Housing and Public Works to carry out various upgrade works at 31 Dabus Street, Warraber Island (WS153437) with a tender price of \$235,744.01 excl of GST and
2. Delegate to the Chief Executive Officer's submit the tender, enter into contracts, negotiate, finalise and execute any and all matters in relation to this tender.

**MOTION CARRIED**

**3:02pm** – Cr Pearson is back in the room.

**3:02pm – 3:17pm – LUNCH**

17. **3:17pm – 4:32pm** **OCEO – Contractual Matter – Sea Freight Services & Fuel Supply**

- Cr Dorante declared a conflict of interest. He is an employee of SeaSwift Pty Ltd. Cr Dorante leaves the room.

Acting Chief Executive Officer and Chief Engineering both spoke to the report.

**RESOLUTION:**

*Moved:* Cr Noah; *Second:* Cr Nona

**Council resolves:**

1. **To pursue further negotiations with Sea Swift on the basis of their non-conforming tender submission for general freight;**
2. **That pursuant to Section 257 of the Local Government Act 2009, Council delegates power to the Chief Executive Officer to undertake negotiations with Sea Swift on the basis of their non-conforming tender submission.**

**MOTION CARRIED**

**ACTION:** CEO to commence negotiation with Sea Swift (considering our local constituents). The final agreement to come back to the full Council for endorsement.

**ACTION:** Team to invite Sea Swift to present to the full Council at the next available Ordinary Meeting.

**4:32** – Cr Dorante is back in the room.

18. **4:32pm – 4:35pm** **Closing remarks and prayer**

Mayor Mosby thanked everyone for their attendance and contribution and invited Cr Stephen to close the meeting in prayer.

**Meeting Closed – 4:35pm**

## **Tuesday 17<sup>th</sup> November 2020**

### **Present**

Cr Phillemon Mosby, Mayor  
Cr Torenzo Elisala, Division 2 – Dauan  
Cr Conwell Tabuai, Division 3 – Saibai  
Cr Keith Fell, Division 4 – Mabuia  
Cr Laurie Nona, Division 5 – Badu  
Cr Lama Trinkoon, Division 6 – Kubin, Mua Island  
Cr John Levi, Division 7 – St Pauls, Mua Island  
Cr Seriako Dorante, Division 8 – Kirriri  
Cr Getano Lui Jnr, Division 9 – Iama  
Cr Kabay Tamu, Division 10 – Warraber  
Cr Francis Pearson, Division 11 – Poruma  
Cr Hilda Mosby, Division 12 – Masig  
Cr Rocky Stephen, Division 13 – Ugar  
Cr Aven Noah, Division 15 – Mer

Ms Hollie Faithfull, Acting Chief Executive Officer (Acting CEO)  
Mr Ilario Sabatino, Chief Operating Officer (COO)  
Mr David Baldwin, Chief Engineer (CE)  
Ms Nicola Daniels, Acting Chief Financial Officer (Acting CFO)  
Mr Peter Krebs, Senior Legal Counsel (SLC)  
Mrs Ursula Nai, Senior Executive Assistant (SEA)  
Mrs Kathy Cochran – Secretariat Officer (SO)

### **Apologies**

Cr Dimas Toby, Division 1 – Boigu



**COUNCIL ORDINARY MEETING**

**Tuesday 17<sup>th</sup> November 2020**  
**Agenda Items**

19. **9:02am – 9:04am** **Welcome and opening prayer**  
Mayor Mosby welcomed Councillors and staff to the second day of the Ordinary meeting and invited Cr John Levi to open the meeting in prayer.
20. **9:04am - 10:10am** **PRESENTATION 1** - Zacharia Matysek – Update on Local Housing and Regional Housing Plan

**10:10am – 10:27am - MORNING TEA**

21. **10:27am – 10:27pm** **Apology – Cr Dimas Toby – Division 1 – Boiqu**

**RESOLUTION**

*Moved:* Cr Trinkoon; *Second:* Cr Elisala

**That Council accepts the apology from Cr Toby for his absence at the meeting.**

**MOTION CARRIED**

22. **10:27am – 10:50am** **PRESENTATION 2:** Mr Anthony Ghee and Mr Marty Morris – Minniecon Holding  
An apology received. Presentation postponed.
- 10:28am** - Mayor Mosby briefed Council on China and Papua New Guinea memorandum of understanding – fishing venture and its impact on our Region.

**ACTION:** CEO to contact TSRA CEO to work together to contact The Australian (Aaron).

23. **10:50am – 11:42am** **CORPORATE – Policy Matter – Policy Review**  
Acting Chief Executive Officer and Acting Chief Financial Officer spoke to the report. Chief Operating Officer suggested an Integrity Council. Mayor Mosby asked Acting Chief Financial officer to hold on the report as the next deputation presenter have arrived.
24. **11:42am – 12:27pm** **PRESENTATION 3:** Mr Steve Hampton – Greenway Turf Solution and Robbie Moore, Division Assistant Manager QLD Rugby League, CAIRNS

**12:27pm – 1:30pm - LUNCH**

25. 1:30pm - 3:02pm PRESENTATION 4: Ms Cynthia Lui – State Member for Cook

3:02pm – 3:15pm – AFTERNOON TEA

26. 3:15pm – 3:54pm CORPORATE – Policy Matter – Policy Review

Acting Chief Financial Officer continued to speak to the report.

**RESOLUTION:**

*Moved:* Cr Pearson; *Second:* Cr Nona

**Council resolves to:**

1. amend the following Torres Strait Island Regional Council policies:

- Councillor Code of Conduct (*Local Government Act 2009*, section 150D)
- Meeting Procedure (*Local Government Act 2009*, section 150G)
- Standing Orders (*Local Government Act 2009*, section 150G)
- Councillor Remuneration, Reimbursement and Facilities Provision Policy (*Local Government Regulation 2012*, sections 247 and 250)

previously endorsed by Council at its Ordinary Meeting on 28 April 2020, in the terms presented to Council at today's Ordinary Meeting and endorse the same 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 amended and endorsed policies, including the power to make any further minor administrative amendments to the policies as they arise.

**MOTION CARRIED**

27. 3:54pm – 4:46pm CORPORATE – Community Grants Program Allocations – November 2020

This report on table from yesterday.

- Cr Fell declared a conflict of interest for Applicant 2 – Tigi Bani. The applicant is Cr Fell's daughter. Cr Fell will leave the room when the application is presented.
- Cr Stephen declared a conflict of interest for Applicant 8 – Stephen Island Campus P&C Association. Council agrees for Cr Stephen to remain in the room.

Acting Chief Financial Officer spoke to the report.

**Applicant 1 – Kulpiyam Youth and Sports Inc.**

**RESOLUTION:**

*Moved:* Cr Nona; *Second:* Cr Elisala

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

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

**MOTION CARRIED**

**Applicant 2 – Tigi Bani**

4:32pm - Cr Fell leaves the room.

**RESOLUTION:**

*Move:* Cr Levi; *Second:* Cr Nona

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

- **Tigi Bani for the eligible amount of \$500.00 exclusive of GST, as per the submitted application.**

**MOTION CARRIED**

**AGAINST: Cr Tamu, Cr Lui and Cr Tabuai**

**ACTION:** COO - Encourage Applicant to go to the Divisional Manager for other funding that is available.

4:38pm – Cr Fell is back in the room.

**Applicant 3 – Blood Covenant Ministry**

**RESOLUTION:**

*Move:* Cr Nona; *Second:* Cr Elisala

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

- **Blood Covenant Ministry for the eligible amount of \$5000.00 exclusive of GST, as per the submitted application.**

**MOTION CARRIED**

**Against: Cr Fell and Cr Tabuai**

**Applicant 4 – Malu Kiyay School Graduation**

**RESOLUTION:**

*Move:* Tamu; *Second:* Cr Nona

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

- **Malu Kiyay School Graduation for the eligible amount of \$5000.00 exclusive of GST, as per the submitted application.**

**MOTION CARRIED**

**Against: Cr Dorante**

**Abstain: Cr Stephen**

**Applicant 5 – St Pauls P&C**

**RESOLUTION:**

*Move:* Cr Elisala; *Second:* Cr Tamu

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

- **St Pauls P&C for the eligible amount of \$698.87 exclusive of GST, as per the submitted application.**

**MOTION CARRIED**

**Against: Cr Nona and Cr Stephen**

**Applicant 6 – St Pauls School Graduation Committee**

**RESOLUTION:**

*Move:* Cr Tamu; *Second:*

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

- **St Pauls School Graduation Committee for the eligible amount of \$2,000.00 exclusive of GST, as per the submitted application.**

**MOTION CARRIED**

**Against: Cr Dorante**

**Abstain: Cr Stephen**

**Applicant 7 – Saibai Island Youth & Community**

**RESOLUTION:**

*Move:* Cr Nona; *Second:* Cr Noah

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

- **Saibai Island Youth & Community for the eligible amount of \$2,500.00 exclusive of GST, as per the submitted application.**

**MOTION CARRIED**

**Against: Cr Tabuai**

**Applicant 8 – Stephen Island Campus P&C**

**RESOLUTION:**

*Move:* No Mover; *Second:*

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

- **Stephen Island Campus P&C for the eligible amount of \$1000.00 exclusive of GST, as per the submitted application.**

**MOTION CARRIED**

**Against: Cr Dorante**

**Abstain: Cr Stephen**

**ACTION:** COO to contact each Divisional Manager regarding the \$4K Engagement Funds

**4:46pm – 4:53pm** - Senior Legal Counsel, Mr Peter Krebs provided Council with clarification that an abstain vote means a vote against.

**28. 4:53pm – 4:53pm Business Arising from Information Reports**  
**No business arising.**

29. **4:53pm – 4:55pm** **Proposed ATSI Housing Action Plan**

Acting Chief Executive Officer spoke.

**RESOLUTION:**

**Moved: Cr Levi; Second: Cr Nona**

**That Council resolves to support the Queensland Governments Aboriginal and Torres Strait Islander Housing Action Plan 2019 – 2023 and support that the Department of Housing and Public Works commence community consultation regarding the local housing plan for each community in person.**

**MOTION CARRIED**

30. **4:55pm – 5:23pm** **Strategic Matters**

Cr Fell asked about the \$14.4m Housing funding – verbal commitment.

**ACTION:** HOCAE to follow up on the status of the \$14.4m Housing funding and report back to Council.

**ACTION:** CEO to provide a report to Council on what options are available if and when the funds are received. Team to identify the issues together with the involvement of the Housing and Safe and Healthy Community Standing Committee in the decision.

Cr Stephen raised the issue of asbestos properties within the Region, and if there are any funds allocated to them besides upgrades. Suggestion was made to explore any COVID stimulus funds that can be accessed.

Cr Lui mentioned Rita Pryce is seeking support through the Standing Committee for her dance studio and the cultural authority.

Cr Fell asked for a follow up on the Trustee Balances. CEO advised it will be provided to Councillors by the end of the week.

Cr Elisala asked through the Mayor on funeral assistance applied for. CEO provided response.

**ACTION:** Team member to reply to the marigeth regarding the CEO's response.

Cr Levi through the Mayor asked about Councillors five priorities that were provided at the Poruma OM in July 2020. Funding will be allocated – December OM

Cr Hilda Mosby asked through the Mayor about the ten-day notice for Community Hall hire.

**ACTION:** COO to contact Masig Divisional Manager on the hall hire and update the Cr Hilda Mosby.

Cr Tabuai through the Mayor asked in relation to Lot identification at cemeteries.

Cr Stephen raised through the Mayor the in-kind use of video conference request for churches. In kind Policy to be workshopped with Council.

Cr Tamu through the Mayor asked for update on the following;

- Motor vehicle
- Duplex project
- Tank project

CEO provided a response that Smart sheet will be presented to Council on Friday and workshopped with Councillors

**RESOLUTION:**

*Moved:* Cr Nona; *Second:* Cr Stephen

**Council resolves to formally endorse Ms Rita Price in her endeavour as an advocate for promoting the arts of the Torres Straits in the Indigenous, mainstream, and multicultural communities.**

**MOTION CARRIED**

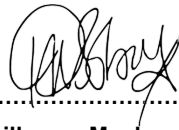
**31. 5:23pm – 5:24pm Closing Remarks and Prayer**

Mayor Mosby thanked Councillors, CEO and Staff and all Councillor for their attendance and contribution. Mayor invited Cr Levi to close the meeting in prayer.

**Meeting Closed – 5:24pm**



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**David Baldwin**  
**Acting Chief Executive Officer**  
**Torres Strait Island Regional Council**  
**8<sup>th</sup> December 2020**



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**Phillemon Mosby**  
**Mayor**  
**Torres Strait Island Regional Council**  
**8<sup>th</sup> December 2020**