



SARG Committee Meeting | Agenda

Date: 29 February 2024
Time: 10.00am to 12.00nn
Venue: Meeting ID: 434 846 764 375
Passcode: WyU2X3

Time	Agenda Item
10.00am	1. Welcome Quorum Confirmation Opening Prayer
10.05am	2. Apologies
10.10am	3. Conflict of Interest (COI) - Declarable/Prescribed
10.15am	4. Minutes of Previous Meeting (January 2024)
10.20am	5. Action Items from Previous Meetings
10.30am	6. CORPORATE SERVICES: Committees Review
	7. CORPORATE SERVICES: Delegations (Waste Reduction and Recycling Regulation)
	8. General / Other Business (on notice)
	9. Next Meeting Date: N/A
12.00nn	10. Closing Remarks & Prayer



Strategic Advisory Reference Group Meeting

Minutes

Date: 19 & 22 January 2024

Time: 9.00am to 4.00pm

Venue: Level 3, 111 Grafton Street,
Cairns

Day 1 – Friday, 19 January 2024

PRESENT:

Mayor / Chairperson

Culture, Arts, Land & Heritage Committee
Governance & Leadership Committee
Climate Change Adaptation & Environment Committee
Economic Growth Committee

Cr Phillemon Mosby
Cr Ranetta Wosomo
Cr Getano Lui (Jnr) AM - **Deputy Mayor**
Cr Hilda Mosby – *joined the meeting by dial-in at 9.30am*
Cr Rocky Stephen

APOLOGIES:

Housing and Safe & Healthy Communities Committee

Cr Keith Fell

OFFICERS:

Chief Executive Officer
Executive Director Building Services
Executive Director Community Services
Acting Executive Director Corporate Services
Acting Executive Director Engineering Services
Executive Director Financial Services
Executive Support Coordinator
Executive Assistant to the Mayor
Secretariat

Mr James William
Mr Wayne Green – *joined meeting at 11.55am*
Mr Dawson Sailor
Mr Gary Stevenson PSM
Mr Adeah Kabai
Ms Hollie Faithfull – *joined meeting at 11.55am*
Ms Sharon Russell
Ms Trudy Lui
Darryl Brooks

GUEST SPEAKER:

Democracy Matters

Ms Sandy Killick – *joined meeting by dial-in at 10.30am*

1. Welcome | Quorum Confirmation | Opening Prayer

The Mayor opened the meeting at 9.15am, noting that a quorum of members was established.

The Mayor welcomed Committee Members and TSIRC staff and made acknowledgements to traditional owners throughout Zenadth Kes.

The Mayor also made a special acknowledgement to Council's Engineering staff who were on call over the shutdown period in order to maintain operations right across the TSIRC footprint for our communities. The Mayor asked the Acting Executive Director Engineering Services (Mr Adeah Kabay) to convey these sentiments to his staff.

The Mayor also thanked and acknowledged the Deputy Mayor for his leadership of Council towards the end of 2023 during the Mayor's convalescence.

Cr Getano Lui (Jnr) AM delivered the opening prayer.

The Chief Executive Officer added a special acknowledgement of thanks to the Acting Director Corporate Services (Mr Gary Stevenson PSM) for the preparation of papers for this special SARG Meeting for agreeing to fill the role of Executive Director Corporate Services in the short-term prior to the appointment of Ms Andres and for his invaluable contributions to the role during that time.

2. Apologies

The following apology was noted:

Housing and Safe & Healthy Communities Committee

Cr Keith Fell

RESOLUTION

Moved: Cr Ranetta Wosomo

Second: Cr Rocky Stephen

Council accepts the apology of the Chairperson of the Housing and Safe and Healthy Communities Committee, Cr Keith Fell, for Day 1 of the January 2024 SARG Committee Meeting.

CARRIED UNANIMOUSLY

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

Mayor Mosby requested that members make any relevant conflict of interest declarations and advise if any relevant legal proceedings were current pertaining to Committee business to be considered at the meeting.

Cr Rocky Stephen advised that he had a COI and Material Personal Interest in relation to AI 13 (Enterprise Divestment and Licence Fee Waivers) as he and his Brother (Pau Stephen) own Brother Bear Cafe and Catering Service and their business submitted a formal expression of interest to TSIRC for the Ugar Community Hall Kitchen.

4. Ratified Minutes of Previous Meeting (June 2023)

RESOLUTION:

Moved: Cr Rocky Stephen

Seconded: Cr Ranetta Wosomo

The Committee notes the Ratified Minutes of the SARG Meeting held on 6 June 2023.

CARRIED UNANIMOUSLY

The Deputy Mayor expressed concern that no SARG Committee meetings were held in the period July-December 2023. The Mayor agreed that this was unacceptable and that all Committee members will need to prioritise their attendance at future meetings. The Mayor added that he has sent an email request to SARG members requesting feedback on what has worked/not worked with the Council's Committees and how any improvements can be suggested for the incoming Council to consider.

5. Action Items from Previous Meeting

The Committee noted the verbal updates provided by the Chief Executive Officer and other Executives.

The Mayor noted that a number of outstanding action items have been overtaken by other events and requested that the Chief Executive Officer provide him with a copy of all action items arising from future SARG Committee meetings, as well as Trustee Council and Ordinary Council meetings within the standard 10 day deadline used for posting of draft Minutes.

Action/s:

Chief Executive Officer to provide Mayor with a copy of all action items arising from future SARG Committee meetings, as well as Trustee Council and Ordinary Council meetings within the standard 10 day deadline used for posting of draft Minutes.

- *In the absence of Cr Keith Fell (Chair of the Housing and Safe & Healthy Communities Committee) for Day 1 of the meeting, the SARG Committee elected to verbally discuss the remaining nominated agenda items and take formal decisions on these items on Day 2 of the meeting when Cr Fell is present.*
- *Ms Sandy Killick (Democracy Matters) dialled into the meeting at 10.30am. The Committee elected to move directly to Agenda Item 10 (Advancing the Masig Statement) to accommodate Ms Killick's limited availability.*
- *Ms Killick discussed her report to date with the Committee and recommended:*
 - (i) *that Council 'experiment its way forward' with advancing the Masig Statement as all of the reports, evidence and knowledge behind Council and now it is about taking action between now and the Year 2037, citing Council's Housing Pilot as a brilliant example of the 'Look, Listen, Adapt' approach and it is a matter of finding more of those pilot initiatives in order to show government and partners that they have nothing to fear about self-determination, regional governance and sovereign rights when dealing with the Torres Strait region.*
 - (ii) *Ms Killick further recommended that Council adopt the proposed Action Plan (2024-2028) and flesh it out in the most appropriate way to ensure effective handover for the incoming Council after each local government election.*
- *Ms Killick dialled out of the meeting at 11.40am.*
- *The Committee resumed its verbal discussions around the agenda items.*

Action/s:

Executive Director Corporate Services to prepare a letter to the Australian Ambassador for First Nations People (Mr Justin Mohamed) seeking support to champion TSIRC's aspirations in relation to matters such as Regional Governance, Treaty, Native Title (DOGIT), the Masig Statement and other key strategic initiatives.

- *The Committee paused deliberations to take lunch from 12.15pm to 1.15pm.*
- *The Committee resumed deliberations on the remaining agenda items and the Mayor formally closed Day 1 at 4.00pm.*

DRAFT

Day 2 – Monday, 22 January 2024

PRESENT:

Mayor / Chairperson

Culture, Arts, Land & Heritage Committee
Governance & Leadership Committee
Climate Change Adaptation & Environment Committee
Economic Growth Committee
Housing and Safe & Healthy Communities Committee

Cr Phillemon Mosby
Cr Ranetta Wosomo
Cr Getano Lui (Jnr) AM - **Deputy Mayor**
Cr Hilda Mosby
Cr Rocky Stephen
Cr Keith Fell

APOLOGIES:

Nil

OFFICERS:

Chief Executive Officer
Executive Director Building Services
Executive Director Community Services
Executive Director Corporate Services
Executive Director Engineering Services
Executive Director Financial Services
Executive Assisting the Executive Director Corporate Services
Executive Support Coordinator
Executive Assistant to the Mayor
Secretariat

Mr James William
Mr Wayne Green
Mr Dawson Sailor
Ms Susanne Andres
Mr David Baldwin
Ms Hollie Faithfull
Mr Gary Stevenson PSM
Ms Sharon Russell
Ms Trudy Lui
Darryl Brooks

INVITED GUEST:

Division 10 – Warraber

Cr Kabay Tamu

- *For Day 2 of the meeting, the SARG Committee elected to follow the agenda from Item 6 onwards as appropriate.*

- *Welcome / Quorum Confirmation / Opening Prayer*

Mayor Mosby opened the meeting at 9.25am, noting that all Committee members were present.

The Mayor welcomed Committee Members and TSIRC staff and made acknowledgements to traditional owners and families throughout Zenadth Kes and in Cairns, as well as the traditional custodians of the Cairns region where the SARG Committee is meeting.

The Mayor summarized the term of this Council as a lesson on how Council has managed to stand together as one and how the Council collaborated in solidarity. The Year 2024 now allows the Council to reflect on 2023 and the lessons learned and the Mayor looks forward to working productively with Councillors and staff up to the local government elections.

The Deputy Mayor, Cr Getano Lui (Jnr) AM, delivered the opening prayer.

The Mayor paid special acknowledgement to the Executive Assisting the Executive Director Corporate Services (Mr Gary Stevenson PSM) for his contributions during the past couple of months in his role as the former Acting Executive Director Corporate Services. The Mayor also formally welcomed the newly appointed Executive Director Corporate Services (Ms Susanne Andres).

The Mayor also extended his best wishes to the Executive Director Engineering Services (Mr David Baldwin) and his family and wished them a full and speedy recovery from the impacts of the recent cyclone on their home. The Mayor also reaffirmed the Council's deepest appreciation of the commitment of the Engineering Services team who were on call over the shutdown period in order to maintain operations right across the TSIRC footprint.

- *Apologies (Day 2)*

Nil.

- *Conflict of Interest (COI) – Declarable/Prescribed*

Mayor Mosby requested that members make any relevant conflict of interest declarations and advise if any relevant legal proceedings were current pertaining to Committee business to be considered at the meeting. No declarations were made.

6. CORPORATE SERVICES: Community Radio

RESOLUTION

Moved: Cr Ranetta Wosomo

Second: Cr Hilda Mosby

The SARG Committee endorses the recommendation of the Culture, Arts, Land and Heritage Committee and recommends to Council that:

- 1. the renewal of licenses update be noted;**

2. the representations made to the Australian Communications and Media Authority be endorsed;
3. the Chief Executive Officer be authorised to facilitate an expression of interest process to identify a suitable service broadcaster; and
4. the Chief Executive Officer be requested to present expressions of interest to the Council as soon as practicable after the 2024 local government election for consideration of a recommendation to Council in April/May 2024.

CARRIED UNANIMOUSLY

7. CORPORATE SERVICES: Economic Development Strategy (*verbal discussion*)

The Executive Assisting the Executive Director Corporate Services (Mr Gary Stevenson PSM) spoke to this report, advising the Committee that a revised scope will need to be developed by Lucid Economics and then considered by the Economic Growth Committee prior to presentation to Council, as the original scope for this project needed to change. This development can proceed unincumbered by the Caretaker Period arrangements as funding for this project has been secured and is in place until 30 June 2024. The Strategy involves careful community consultation throughout its development.

RESOLUTION

Moved: Cr Ranetta Wosomo

Second: Cr Hilda Mosby

The SARG Committee notes the update.

CARRIED UNANIMOUSLY

8. CORPORATE SERVICES: Elphinstone Matters (*verbal discussion*)

The Chief Executive Officer spoke to this item advising the Committee that Elphinstone needs some critical strategic planning to be undertaken to properly identify the pathway to get the best use out of the facility for it to be a potential revenue source.

The Mayor requested that a brief be prepared for the February 2024 Ordinary Council Meeting providing Council with an update on Elphinstone.

Action/s:

1. Executive Director Corporate Services to prepare a brief for the upcoming Economic Growth Committee Meeting which includes the original business case for Elphinstone.
2. Executive Director Corporate Services to prepare a brief for the February 2024 Ordinary Council Meeting providing Council with an update on the Elphinstone asset.

9. CORPORATE SERVICES: Transport Options – Ugar and Dauan Business Case

The Executive Assisting the Executive Director Corporate Services (Mr Gary Stevenson PSM) spoke to this report, advising that the Economic Growth Committee has requested that the scope of the business case be revised. The revised scope was endorsed at the December 2023 meeting of the Economic Growth Committee and has since been provided to three companies for quotes to be submitted by 31 January 2024.

It is expected that the quotes will be considered at the Economic Growth Committee meeting in February 2024. The Economic Growth Committee will then recommend a proposal to Council for endorsement which will include a full community consultation process. Funding for the project has been secured up until 30 June 2024.

Cr Rocky Stephen acknowledged the valuable input provided by the Economic Growth Committee Members (Cr Jimmy Gela and Cr Conwell Tabuai) as well as Cr Torenzo Elisala which has guided this process to this point. Cr Stephen also thanked the former Acting Executive Director Corporate Services (Mr Gary Stevenson PSM) for driving the project to this stage in such a short period of time.

RESOLUTION

Moved: Cr Hilda Mosby

Second: Cr Keith Fell

The SARG Committee notes the update.

CARRIED UNANIMOUSLY

10. CORPORATE SERVICES: Advancing the Masig Statement

RESOLUTION

Moved: Cr Rocky Stephen

Second: Cr Hilda Mosby

That Committee recommends to Council that:

- 1. The report entitled "Advancing the Masig Statement - a 100 year journey to Ailan governance" be adopted and that the Council expresses its appreciation to its author Ms Sandy Killick of Democracy Matters;**
- 2. The Chief Executive Officer be requested to strengthen the report by describing the process of drafting, agreeing and endorsing the Masig Statement which would allow regional stakeholders to identify with the document;**
- 3. The Masig Statement Action Plan be adopted;**
- 4. The Chief Executive Officer be requested to allocate action responsibilities to relevant officers for further development of the actions, outcomes and timing;**
- 5. The Chief Executive Officer be requested to incorporate the report findings into relevant strategic Council documents including the next version of Council's Corporate Plan;**
- 6. The Chief Executive Officer be requested to prepare and submit to Council, a three-year Advocacy Strategy with a clear focus on the Commonwealth Government's next election to secure support/commitment to meaningfully advance the attainment of Masig Statement objectives no later than the end of May 2024;**
- 7. The Chief Executive Officer be requested to prepare and submit to Council, a three-year Community Engagement Strategy (including activation of the regional Taskforce) to engender community awareness and enduring commitment to meaningfully influence relevant Commonwealth and State Government policy and financial settings no later than the end of May 2024;**
- 8. The Chief Executive Officer be requested to change Council's website to include a dedicated page called "The journey to Ailan sovereignty by 2037" no later than end of May 2024, with the web page to include promotion of the Action Plan, the Advocacy Strategy and the Community Engagement Strategy and that the case study 'Delivering climate suitable, healthy and affordable housing the Ailan way' be published as an example of a 'look, listen, adapt approach' and that other case studies using the Ailan Way be added over time;**
- 9. The Chief Executive Officer be requested to include adequate provision in the draft 2024/25 operational budget to facilitate the implementation of relevant stages of the Action Plan and the implementation of the Advocacy Plan and the Community Engagement Plan; and**
- 10. The Chief Executive Officer be requested to report to Council post-election on the merit of establishing a role for one of Council's Standing Committees to monitor progress on advancing the Masig Statement.**

CARRIED UNANIMOUSLY

11. MOVE INTO CLOSED BUSINESS

RESOLUTION

Moved: Cr Rocky Stephen

Second: Cr Ranetta Wosomo

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

CARRIED UNANIMOUSLY

16. MOVE OUT OF CLOSED BUSINESS

RESOLUTION

Moved: Cr Ranetta Wosomo

Second: Cr Rocky Stephen

The Committee resolves to move out of closed business and resume in open business

CARRIED UNANIMOUSLY

17. CONSIDERATION OF MATTERS DISCUSSED IN CLOSED BUSINESS

12. CORPORATE SERVICES: Torres Strait Islander Flag Policy

RESOLUTION

Moved: Cr Ranetta Wosomo

Second: Cr Hilda Mosby

The Committee recommends that Council:

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

CARRIED UNANIMOUSLY

- Cr Rocky Stephen advised the Committee that he had a COI and Material Personal Interest in relation to AI 13 (Enterprise Divestment) as he and his Brother (Pau Stephen) own Brother Bear Cafe and Catering Service and their business submitted a formal expression of interest to TSIRC for the Ugar Community Hall Kitchen.
- The Committee agreed that Cr Stephen remain in the meeting during deliberation of Agenda Item 13, but will be required to excuse himself prior to endorsement of a resolution.

RESOLUTION

Moved: Cr Ranetta Wosomo

Second: Cr Hilda Mosby

The Committee agrees that Cr Rocky Stephen should remain present during deliberation of Agenda Item 13 (Enterprise Divestment), but shall vacate the meeting prior to endorsement of a resolution by the Committee.

CARRIED UNANIMOUSLY

- Cr Rocky Stephen remained present during deliberations, then departed the meeting at 10.25pm prior to endorsement of the resolution.

13. CORPORATE SERVICES: Enterprise Divestment

RESOLUTION

Moved: Cr Ranetta Wosomo

Second: Cr Hilda Mosby

The Committee recommends that this matter be deferred for consideration until after the 2024 Local Government elections.

CARRIED UNANIMOUSLY

- *Cr Rocky Stephen returned to the meeting at 10.27am following endorsement of the above resolution.*

Action/s:

Executive Director Corporate Services (in consultation with the Economic Growth Committee) to prepare a brief for the February 2024 Ordinary Council Meeting in relation to Council's Enterprise Divestment Policy.

14. CORPORATE SERVICES: Mirabou Energy – Renewable Energy Project

RESOLUTION

Moved: Cr Ranetta Wosomo

Second: Cr Hilda Mosby

The Committee recommends that Council:

1. Affirms Council's overall objectives as follows:

- to facilitate and support the establishment of a commercially sustainable business model for microgrids comprising Behind the Meter (BTM) renewable energy (solar) and controlled demand infrastructure and grid Battery Energy Storage System (BESS) units across all Torres Strait Island communities;
- to make a substantial improvement to community air pollution standards by contributing to reducing greenhouse gas emissions, and
- to provide a platform for employment and the professional development of Torres Strait Islanders in the renewable energy and electricity sector;

2. Acknowledges the perceived conflict of interest of the Chief Executive Officer and that his involvement in the Mirabou Energy - Renewable Energy Project will be managed by continued consultation with members of the Executive Leadership Team and with the oversight of the Mayor;

3. Affirms Council's support in principle for the Mirabou Energy - Renewable Energy Project subject to the following to be pursued in strategic partnership with Mirabou Energy Pty Ltd and Mirabou Energy Remote Power Systems Pty Ltd in a timely manner:

- due diligence investigations into key implications and risks;
- statutory approvals being obtained as required;
- statutory compliance being achieved;
- appropriately planned and staged community engagement; and
- satisfactory negotiation of the Master Agreement in good faith;

4. Instructs the Chief Executive Officer in consultation with the Executive Leadership Team to undertake the following with progressive reporting to Council:

- conduct due diligence investigations into key implications and risks;

- make appropriate enquiries and take necessary steps to obtain relevant statutory approvals;
 - ensure Council's statutory compliance is achieved at all times;
 - prepare and implement plans for staged community engagement, particularly for Pilot communities;
 - negotiate the terms of a Master Agreement with due regard for Council's financial and reputational risks and its sustainable involvement in the project (short-term and long-term); and
 - report back to Council with draft Master Agreement for Council's approval.
5. Acknowledges Mirabou Energy's proposal for Council to apply a procurement exemption under section 235(b) of the *Local Government Regulation 2012* for delivery of the Master Agreement, but declines to do so until such time that it is satisfied that matters identified in recommendation 4 are progressed sufficiently.
6. Acknowledges Mirabou Energy's late proposal for the following specific minor projects to be undertaken at Council's cost as practical interim progress towards the overall project objectives while due diligence and negotiation on the Master Agreement takes place:
- Site Inspection and Design (one island); and
 - Council's Energy Requirements Analysis;
7. Acknowledges that the Chief Executive Officer in consultation with the Executive Leadership Team intends to negotiate terms with Mirabou Energy Pty Ltd and Mirabou Energy Remote Power Systems Pty Ltd to deliver the following projects within operational budget capacity, in accordance with Procurement and Ethical Sourcing Policy requirements and in particular ensuring that they offer value for money:
- Site Inspection and Design (one island); and
 - Council's Energy Requirements Analysis;
8. Resolves that because of the specialised nature of the following services, it would be impractical within the required timeframe to invite quotes:
- Site Inspection and Design (one island); and
 - Council's Energy Requirements Analysis.

CARRIED UNANIMOUSLY

- *Cr Kabay Tamu commended the progress on this matter as it was one of the aspirations of Council in this space to transition into renewable energy and setting examples of how even smaller regions can step up and do their part in alleviating the impacts of climate change.*
- *Cr Keith Fell sought advice about any concerns about how the perceived conflict of interest of the Chief Executive Officer and that his involvement in the Mirabou Energy - Renewable Energy Project is to be managed.*
- *The Executive Assisting the Executive Director Corporate Services (Mr Gary Stevenson PSM) responded by saying that it was important for the community to note that the issue of the CEO's perceived conflict of interest is noted in the decision of the Committee, in order for the community to see that any conflicts are being managed by Council (refer specifically to paragraph 2 of the recommendation). Council's responsibility is to ensure that any perceived conflict of interest is disclosed and mechanisms are in place for it to be managed.*

- *Cr Rocky Stephen requested that the Economic Growth Committee and the Climate Change Adaptation and Environment Committee are kept informed of progress on this matter.*

15. CORPORATE SERVICES: Beneficial Enterprise Proposal

RESOLUTION

Moved: Cr Ranetta Wosomo

Second: Cr Rocky Stephen

The Committee recommends that Council:

- 1. Supports in principle the establishment of a beneficial enterprise to deliver services under the Commonwealth Government's Community Development Program,**
- 2. Acknowledges the proposed joint venture by Enterprise Management Group Pty Ltd,**
- 3. Authorises the Chief Executive Officer to negotiate and execute a non-binding Memorandum of Understanding with Enterprise Management Group Pty Ltd with a relatively focussed scope,**
- 4. Requests the Chief Executive Officer to undertake the following in a timely manner;**
 - **Conducting due diligence investigations into legal, financial, regulatory, and operational aspects,**
 - **Preparing joint venture business plans including (but not limited to) budgets, policies, procedures and strategic and operational plans,**
 - **Negotiating joint venture agreements including (but not limited to) constitution, shareholders' agreement, deed of confidentiality, dividend policy and service plans,**
 - **Making appropriate enquiries and take necessary steps to obtain relevant statutory approvals,**
 - **Ensuring Council's statutory compliance is achieved at all times,**
 - **Preparing community engagement plans, and**
 - **Preparing an Advocacy and Engagement Plan to engage with Commonwealth Government about Community Development Program reform opportunities.**
- 5. Requests the Chief Executive Officer to report back to Council at the earliest opportunity as developments require Council determination.**

CARRIED UNANIMOUSLY

18. Day 1 - Closing Remarks & Prayer

N/A

19. Treaty Management Issues

Cr Keith Fell raised an issue on behalf of Cr Conwell Tabuai in relation to an emerging issue about stealing and other matters which are getting worse on Saibai. The offences are being committed by traditional inhabitant visitors from Papua New Guinea and the offenders are being protected by Saibai Island families related to the offenders (hiding offenders in their homes so they cannot be apprehended under 'traditional trespass laws').

There is concern that relevant Australian Treaty agencies (such as DFAT, Border Force, the AFP and others) are aware of these matters, but are unable or are unwilling to use enforcement.

The Deputy Mayor confirmed that he has also met with Australian authorities on-ground at Saibai to raise a number of similar concerns which elders in the Saibai community are asking to be resolved. Traditional inhabitant visitors from Papua New Guinea are setting up shacks, tents, huts, etc. on Saibai to pursue commercial activities with buyers who are coming in from Indonesia.

The Deputy Mayor suggested that the 'free movement' aspects of the Treaty are now being totally abused by the next generations. The 'free movement' aspects of the Treaty were originally devised by the elders at the time and were based on trust and respect by all parties concerned. The Deputy Mayor added that 'free movement' should really be reworded as 'traditional movement' as the term 'free movement' is misleading and misinterpreted as being free to move whenever and wherever you want.

The Deputy Mayor also advised that much more work still needs to be done with Australian authorities and Torres Strait Island communities to clarify interpretations around other aspects in relation to border matters (i.e. border closed/border suspension) with simple everyday language used.

The Deputy Mayor also advised that the Treaty arrangements are being abused by rogue elements from Papua New Guinea, including instances where Australians are subject to 'threats' from Papua New Guinea people around illegal fishing (shaking machettes in a threatening manner when collecting beche-de-mer). Cr Keith Fell also added that banned nationals from Papua New Guinea (Section 16) are still entering Australia.

Action/s:

Chief Executive Officer to prepare communication with DFAT's Treaty Liaison Office to formalise TSIRC concerns in relation to Treaty issues, specifically the current situation on Saibai Island and other matters.

20. Safe & Healthy Housing Committee – (Verbal Update)

Not discussed

21. General / Other Business (on notice)

Nil.

22. Next Meeting Date: 6 February 2024

The Committee noted the next meeting date of 6 February 2024.

23. Closing Remarks & Prayer

The Mayor closed the meeting at 12.45pm, thanking the Deputy Mayor for his leadership in standing in for the Mayor during the past few months. Cr Rocky Stephen delivered the closing prayer.

.....
Mr James William
Chief Executive Officer

.....
Cr. Phillemon Mosby
Mayor

Torres Strait Island Regional Council
Date:

Torres Strait Island Regional Council
Date:

DRAFT



SARG COMMITTEE ACTION ITEMS

[as at 13 Feb 2024]

Agenda Item	Action	Action Area	Current Status
Jan 2024 Mtg AI 5 Action Items	Chief Executive Officer to provide Mayor with a copy of all action items arising from future SARG Committee meetings, as well as Trustee Council and Ordinary Council meetings within the standard 10 day deadline used for posting of draft Minutes.	CEO	
Jan 2024 Mtg AI 5 Action Items	Executive Director Corporate Services to prepare a letter to the Australian Ambassador for First Nations People (Mr Justin Mohamed) seeking support to champion TSIRC's aspirations in relation to matters such as Regional Governance, Treaty, Native Title (DOGIT), the Masig Statement and other key strategic initiatives.	ED Corporate Services	Not yet started.
Jan 2024 Mtg AI 8 Corporate Services: Elphinstone Matters	<ol style="list-style-type: none"> Executive Director Corporate Services to prepare a brief for the upcoming Economic Growth Committee Meeting which includes the original business case for Elphinstone. Executive Director Corporate Services to prepare a brief for the February 2024 Ordinary Council Meeting providing Council with an update on the Elphinstone asset. 	ED Corporate Services	
Jan 2024 Mtg AI 13 Corporate Services: Enterprise Divestment	Executive Director Corporate Services (in consultation with the Economic Growth Committee) to prepare a brief for the February 2024 Ordinary Council Meeting in relation to Council's Enterprise Divestment Policy.	ED Corporate Services	Matter held over for incoming Council.
Jan 2024 Mtg AI 19 Treaty Management Issues	Chief Executive Officer to prepare communication with DFAT's Treaty Liaison Office to formalise TSIRC concerns in relation to Treaty issues, specifically the current situation on Saibai Island and other matters.	CEO	
Jun 2023 Mtg	<ol style="list-style-type: none"> The Mayor, Deputy Mayor and the ED Corporate Services to meet and prepare relevant correspondence on formalising its relationship with the Ambassador for First Nations and to highlight Council's position 	<ol style="list-style-type: none"> ED Corporate Services 	<ol style="list-style-type: none"> To be completed. Correspondence to

SARG Action Items

<p>AI 7</p> <p>Matters Arising from May 2023 Workshop</p>	<p>in relation to key national priorities, such as the Voice to Parliament Referendum, Treaty issues (in addition to the Australia/Papua New Guinea Torres Strait Treaty) and the Masig Statement.</p> <p>2. Regarding TSIRC/TSRA arrangements, the Mayor requested that a letter be sent to the Minister for Indigenous Australians to rescind the decision to have separate elections for the TSRA and the TSIRC needs to be followed up.</p>	<p>2. CEO</p>	<p>now focus on self-determination for Torres Strait Islander people, as well as Treaty issues, the Masig Statement and native title matters.</p> <p>2. Outstanding.</p>
<p>7 Mar 2023 Mtg</p> <p>AI 8</p> <p>General/Other Business</p>	<p>(1) Write to the Department of Foreign Affairs and Trade regarding the following matters:</p> <ul style="list-style-type: none"> • Movement under the treaty • Unauthorised visits. • Overstayers • Policy and Border Force concerns. <p>(2) Write to Premier Anastasia Palaszczuk regarding the Joint Ministerial Advisory Committee for the One Boat Regional Governance.</p> <p>(3) Write to the Torres Strait Regional Authority regarding</p> <ul style="list-style-type: none"> • TSIRC objection to the establishment of the Regional Infrastructure Advisory Committee (RIAC). • Follow-up to Major Infrastructure Program MIP 7 list that was provided approximately 18 months ago. 	<p>CEO / ED Corporate Services</p>	<p>CEO advised Jan 2024 SARG Mtg that he will review the status of actioning on these issues.</p>



TORRES STRAIT ISLAND REGIONAL COUNCIL

STRATEGIC ADVISORY REFERENCE GROUP

MEETING

ORDINARY MEETING:	February 2024
DATE:	29 February 2024
ITEM:	Agenda Report
SUBJECT:	Committees Review
AUTHOR:	Susanne Andres – Executive Director Corporate Services

Recommendation:

That the Committee recommend the incoming Council:

- a) take note of Council term 2020-2024 committee priorities and challenges;
- b) note the SARG performance review for the 2020/24 Council term;
- c) determine the structure and processes for its committees for the 2024-2028 Council term.

Executive Summary:

This report and attachments are provided to SARG to progress its performance review and provide committee priorities to Council for recommendation to the incoming Council.

Background:

At the January SARG meeting, the Mayor requested feedback from all Council committees on the following matters:

- What has worked/not worked for the individual committees and their members in terms of progressing strategic matters assigned to the committees;
- Suggested improvements to committee processes for incoming Council consideration;
- Current and future priority projects, status, and next steps for incoming Council consideration;
- Challenges.

The Mayor further requested that SARG carry out a performance review of its work over the current Council term and provide key recommendations for the next term.

During the January SARG meeting and the days following, the Committee Chairs submitted information collated in *Attachment 1*.

Officer's comment:

SARG to review the submissions and progress its performance review with a view to providing the incoming Council with recommendations.

Attachments 2 – 7 (Committees Terms of Reference) are provided for background information.

Consultation:

Committee Chairs

Chief Executive Officer

Links to Strategic Plans:

TSIRC 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.

Statutory Requirements:

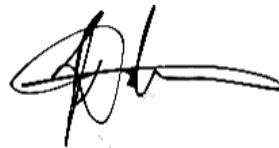
- *Local Government Act 2009*
- *Local Government Regulation 2012*

Conclusion:

It is recommended that the committee evaluate the information in *Attachment 1* and carry out a performance review of its progress over the past years to provide the incoming Council with recommendations relating to committee priorities and processes.

Recommended:

Susanne Andres
Executive Director Corporate Services

Approved:

James William
Chief Executive Officer

ATTACHMENT 1 – Information provided by Committee Chairs following the January 2024 SARG meeting

ATTACHMENT 2 – Terms of Reference for the Climate Change Adaptation and Environment Committee - November 2021

ATTACHMENT 3 – Terms of Reference for the Culture Arts Land and Heritage Committee - October 2023

ATTACHMENT 4 – Terms of Reference for the Economic Growth Committee - November 2021

ATTACHMENT 5 – Terms of Reference for the Governance and Leadership Committee - November 2021

ATTACHMENT 6 – Terms of Reference for the Housing, and Safe and Healthy Communities Committee - November 2021

ATTACHMENT 7 – Terms of Reference for the Strategic Advisory Reference Group Committee - November 2021

ATTACHMENT 1 – TSIRC Committee Review January 2024

Committee	Priority/Project	Current Status/Next Steps	Challenges
Housing and Safe Communities Chair – Cr Fell Exec Support – Executive Director Engineering Services and Executive Director Community & Building Services	Housing <ul style="list-style-type: none"> ▪ Katter Lease. ▪ Home Ownership. ▪ Abandon Homes. ▪ Repairs & Maintenance. ▪ Plugins ▪ Paying for works to be done on your own. ▪ Transfer of Tenancy. ▪ Someone to look after house while away (Caretaker). ▪ Housing into the future? ▪ Housing Authority (pie in the sky) ▪ GBK housing conversation. ▪ Lessons learn - Mer and Badu (PBC's). ▪ Rental payments to pay off your home. 	Plans for moving forward: <ul style="list-style-type: none"> ▪ Visit Schools, Communities where possible. ▪ Engage with key stakeholders on ground. ▪ Develop Road Maps (Way Forward) where we can. ▪ Strengthen what is working already within. ▪ Stay Positive and have faith. ▪ Reports needs actions & Feedback. 	<ul style="list-style-type: none"> ▪ UGAR no housing officer. ▪ Badu - Families give home for others to live while studying However, not being able to come back. ▪ St Paul's Major housing concerns. ▪ Housing is a Regional Concern. ▪ Abandon Homes.
	Sport and Recreation <ul style="list-style-type: none"> ▪ Green Fields. ▪ Local Sporting Activities. ▪ Cultural Activities. ▪ Movie Nights. ▪ Building Unity within Communities. ▪ Safe and available Facilities. ▪ Holiday Programs. ▪ Clean our Cemeteries once a quarter. ▪ Playgrounds. ▪ Community Gardens. ▪ Community "Clean up Days". 		<ul style="list-style-type: none"> ▪ Safe and available Facilities. ▪ Sporting facilities not safe for community usage.

Committee	Priority/Project	Current Status/Next Steps	Challenges
			Health Challengers: <ul style="list-style-type: none"> ▪ Hammond Island Health Centre? (Safe) ▪ RN needed on UGAR?(Safe) ▪ HLO's Funding/Hours – Healthy communities? ▪ HLO review? ▪ Age Care/HACC – Concerns? ▪ Asbestos concerns within Communities (Badu major concern).
			Animal Management Challengers (Horses, Dogs and Cats): <ul style="list-style-type: none"> ▪ Major concern in St Pauls (Safe) ▪ Concern within Badu (Safe) ▪ Mabuiag (Dogs)
	Safe Communities <ul style="list-style-type: none"> ▪ Lighting in Community. ▪ Keeping Communities safe in general. ▪ COVID19 safe places (Quintin) within Communities. ▪ Asbestos within Communities. ▪ Dogs, Cats & Horses etc. ▪ Clean Beaches. ▪ Safe walkways & Paths. ▪ Public Safety (drinking/fighting) etc. ▪ Waste 		<ul style="list-style-type: none"> ▪ Lighting in St Pauls Community major concern. ▪ Horses on Moa?
Committee	Priority/Project	Current Status/Next Steps	Challenges
Economic Growth Committee Chair – Cr Stephen	A. Economic Development Strategy	- Scope of work to be completed - Engage consultant to do the work	* Funding is required to support Community Consultation and develop Economic Development Strategy.

Committee	Priority/Project	Current Status/Next Steps	Challenges
Exec Support – Executive Director Financial Services		<ul style="list-style-type: none"> - Develop a community consultation timetable - Consultation with Community - Develop Economic Development Strategy 	
	B. Enterprise Divestment Policy/Procedure	<ul style="list-style-type: none"> - Priorities the current policy and present a position to Council for endorsement - Seek Council Endorsement 	* Funding is required to engage a consultant to do analyst on assets if work can't be done within Council.
	C. CDP Submission	<ul style="list-style-type: none"> - Council endorsement to engage My Pathways - My Pathways to develop a CDP proposal to submit to Council for consideration - My Pathways to do Community Consultation 	* Funding is required to engage My Pathways to develop a CDP proposal submission
	D. Ugar and Dauan Feasibility Studies	<ul style="list-style-type: none"> - Engaged a consultant to do the project - Consultant to develop feasibility as agreed to the scope of work 	* Funding has been sorted for the project through TSRA.
	E. Mirabou Energy	<ul style="list-style-type: none"> - Develop next stage of the project. 	* Funding is required to do next steps
	F. Fuel Bowser	<ul style="list-style-type: none"> - Work with IOR on options to present to Council for consideration. 	* Funding is required to progress the project once supported by Council.
	G. Elphinstone Close	<ul style="list-style-type: none"> - Develop options for Council to consider 	* Funding is required to progress the development.

Committee	Priority/Project	Current Status/Next Steps	Challenges
	H. Asset Condition Report	- Engage a consultant to do analysis on assets if can't be done within Council.	* Funding is required to do the work
	I. Age Care Funding (HACC)	- Put information together about the funding	* Develop a policy for the program
	J. Building Service Unit	- Implement plan to create revenue	* Develop a plan for the project
Committee	Priority/Project	Current Status/Next Steps	Challenges
Culture Arts Land and Heritage Committee Chair – Cr Wosomo Exec Support – Executive Director Corporate Services	Torres Strait Flag policy		
	Community Radio (Remote Island Broadcast Service)		
	Transfer of DOGIT		
	Cultural Development Strategy/Policy		
	Cultural Festival for Outer Islands		
Committee	Priority/Project	Current Status/Next Steps	Challenges
Governance Committee Chair – Cr Lui Exec Support – Executive Director Community and Building Services	Advancing the Masig Statement		
	Treaty		
Committee	Priority/Project	Current Status/Next Steps	Challenges
Climate Change and Environment Committee	1. Torres Strait & NPA Biosecurity & Waste management strategy		

Committee	Priority/Project	Current Status/Next Steps	Challenges
Chair – Cr Mosby Exec Support – Executive Director Engineering Services	2. Coastal hazard and adaptation strategies		
	3. Community adaptation plans		
	4. Waste management		
	5. Seawall Project		
	6. Renewable energy (Mirabou Energy)		
	7. Environmental Health		
	8. Climate change impacts		
Committee	Priority/Project	Current Status/Next Steps	Challenges
Strategic Advisory Reference Group Chair – Mayor Mosby Exec Support – Chief Executive Officer	Report Card of Standing Committees with recommendations for next term – Thursday		
	Clear roadmap		
	Advocacy Policy and Plan		
	Transitional Action Plan		

Terms of Reference for the Climate Change Adaptation and Environment Committee

1. Objective

The Climate Change Adaptation and Environment Committee is established as a standing committee under section 264 of the *Local Government Regulation 2012*.

The Committee members should:

- Be proactively involved in the portfolio area
- Review and shape Council's policy position of portfolio area
- Develop desktop management system for the portfolio area
- Develop, advocate and lead community engagement process/program with key stakeholders and departments in the portfolio area
- Represent the Mayor/Deputy at conferences/workshops/meetings in the absence of the Mayor/Deputy
- Address Council on strategic matters in relations to the portfolio areas
- Provide cultural advice and assistance

2. Portfolio Area

The Committee's portfolio area covers:

- Torres Strait Climate Change Strategy
- Torres Strait Sea Wall Program/Project
- Torres Strait and North Peninsula Area Biosecurity Plan
- Renewable Energy Productions
- Waste Management
- Land & Sea Management

3. Term

The Climate Change Adaptation and Environment Committee is effective from 1 August 2020 until terminated by Council.

4. Membership

Members shall be:

- The Mayor
- Three Councillors – as nominated by Council

The Council will determine who will be the chair.

Councillor members elected by Council at Council's June 2020 Ordinary Meeting:

- Cr H Mosby - **Chair**
- Cr Tamu
- Cr Dorante

5. Standing Orders and Meeting Procedures

Council's Standing Orders Policy and Meeting Procedures Policy apply to the meetings of the Committee.

Where a member misses two consecutive meetings without formal apology, the member will be removed from the Committee and Council will nominate a replacement at its next ordinary meeting.

6. Meetings

The Committee will meet quarterly unless otherwise scheduled. The Committee will meet monthly unless otherwise scheduled. These meeting will be open to the public unless the Committee resolve to close the meeting under section 275 of the *Local Government Regulation 2012*.

Meeting quorum shall be two members.

Attendance may be via videoconference or teleconference; however, the Reference Group will meet face-to-face wherever possible by aligning meeting times with other Council approved travel e.g. Monthly Council Meetings, Council workshops.

Agenda items and papers must be provided to the Secretariat at least ten (10) working days prior to the meeting date. Late submissions will only be included with the written approval of the Chair.

Agenda items and papers will be distributed via email to members at least five (5) working days prior to the meeting date.

Written minutes are required to be published within ten days of the meeting and endorsed at the following Ordinary meeting.

7. Amendment, Modification or Variation

These Terms of Reference may be amended, varied, or modified in writing with approval from Council.

8. Executive Support

An Executive Officer will be assigned to the Committee to provide support to the committee members and be liaison between the elected members and the administration.

Executive Officer assigned to Committee: Executive Director, Engineering Services.

9. Administrative Support

Secretariat support will be provided by the Secretariat Office.

Terms of Reference endorsed by Council resolution at November 2021 Ordinary Meeting.

Terms of Reference for the Culture, Arts, Land & Heritage (CALH) Committee

1. Objective

The Culture, Arts, Land and Heritage Committee is established as a standing committee under section 264 of the *Local Government Regulation 2012*.

The Committee members should:

- Be proactively involved in the portfolio area
- Review and shape Council's policy position of portfolio area
- Develop desktop management system for the portfolio area
- Develop, advocate and lead community engagement process/program with key stakeholders and departments in the portfolio area
- Represent the Mayor/Deputy at conferences/workshops/meetings in the absence of the Mayor/Deputy
- Address Council on strategic matters in relations to the portfolio areas
- Provide cultural advice and assistance

2. Portfolio Area

The Committee's portfolio area covers:

- Alian Kastom
- Cultural Heritage Advisory Committee
- Language & Arts Advisory Committee
- Regional Events
- Reconciliation Action Plan (RAP)
- Torres Strait Islander Flag
- Native Title
- Deeds of Grant in Trust
- Land transfer

3. Term

The Culture, Arts, Land and Heritage Committee is effective from 1 August 2020 until terminated by Council.

4. Membership

Members shall be:

The Mayor	Cr Phillemon Mosby
Member	Cr Ranetta Wosomo (Chairperson)
Member	Cr Torenzo Elisala

5. Standing Orders and Meeting Procedures

Council's Standing Orders Policy and Meeting Procedures Policy apply to the meetings of the Committee.

Where a member misses two consecutive meetings without formal apology, the member will be removed from the Committee and Council will nominate a replacement at its next ordinary meeting.

6. Meetings

The Committee will meet quarterly unless otherwise scheduled. These meetings will be open to the public unless the Committee resolve to close the meeting under section 275 of the *Local Government Regulation 2012*.

Meeting quorum shall be two members.

Attendance may be via videoconference or teleconference.

Agenda items and papers must be provided to the Secretariat at least five (5) prior to the meeting date. Late submissions will only be included with the written approval of the Chair.

Agenda items and papers will be distributed via email to members at least five (5) working days prior to the meeting date.

Written minutes are required to be published within ten (10) days of the meeting and endorsed at the following Ordinary meeting.

7. Amendment, Modification or Variation

These Terms of Reference may be amended, varied, or modified in writing with approval from Council.

8. Executive Support

An Executive Officer will be assigned to the Committee to provide support to the committee members and be liaison between the elected members and the administration.

Executive Officer assigned to Committee: Executive Director, Corporate Services.

9. Administrative Support

Secretariat support will be provided by the Secretariat Office.

Terms of Reference endorsed by Council resolution at October 2023 Ordinary Meeting.

Terms of Reference for the Economic Growth Committee

1. Objective

The Economic Growth Committee is established as a standing committee under section 264 of the *Local Government Regulation 2012*.

The Committee members should:

- Be proactively involved in the portfolio area
- Review and shape Council's policy position of portfolio area
- Develop desktop management system for the portfolio area
- Develop, advocate and lead community engagement process/program with key stakeholders and departments in the portfolio area
- Represent the Mayor/Deputy at conferences/workshops/meetings in the absence of the Mayor/Deputy
- Address Council on strategic matters in relations to the portfolio areas
- Provide cultural advice and assistance

2. Portfolio Area

The Committee's portfolio area covers:

- Divestment of Enterprises
- Regional Stimulus Projects
- Industry Development
- Torres Strait Procurement Policy
- Connectivity & Tele-communication

3. Term

The Economic Growth Committee is effective from 1 August 2020 until terminated by Council.

4. Membership

Members shall be:

- The Mayor
- Three Councillors – as nominated by Council

The Council will determine who will be the chair.

Councillor members elected by Council at Council's June 2020 Ordinary Meeting:

- Cr Stephen - **Chair**
- Cr Tabuai
- Cr Gela – elected by Council at Council's February 2021 Ordinary Meeting

5. Standing Orders and Meeting Procedures

Council's Standing Orders Policy and Meeting Procedures Policy apply to the meetings of the Committee.

Where a member misses two consecutive meetings without formal apology, the member will be removed from the Committee and Council will nominate a replacement at its next ordinary meeting.

6. Meetings

The Committee will meet quarterly unless otherwise scheduled. The Committee will meet monthly unless otherwise scheduled. These meeting will be open to the public unless the Committee resolve to close the meeting under section 275 of the *Local Government Regulation 2012*.

Meeting quorum shall be two members.

Attendance may be via videoconference or teleconference; however, the Reference Group will meet face-to-face wherever possible by aligning meeting times with other Council approved travel e.g. Monthly Council Meetings, Council workshops.

Agenda items and papers must be provided to the Secretariat at least ten (10) working days prior to the meeting date. Late submissions will only be included with the written approval of the Chair.

Agenda items and papers will be distributed via email to members at least five (5) working days prior to the meeting date.

Written minutes are required to be published within ten days of the meeting and endorsed at the following Ordinary meeting.

7. Amendment, Modification or Variation

These Terms of Reference may be amended, varied, or modified in writing with approval from Council.

8. Executive Support

An Executive Officer will be assigned to the Committee to provide support to the committee members and be liaison between the elected members and the administration.

Executive Officer assigned to Committee: Executive Director, Financial Services

9. Administrative Support

Secretariat support will be provided by the Secretariat Office.

Terms of Reference endorsed by Council resolution at November 2021 Ordinary Meeting.

Terms of Reference for the Governance and Leadership Committee

1. Objective

The Governance and Leadership Committee is established as a standing committee under section 264 of the *Local Government Regulation 2012*.

The Committee members should:

- Be proactively involved in the portfolio area
- Review and shape Council's policy position of portfolio area
- Develop desktop management system for the portfolio area
- Develop, advocate and lead community engagement process/program with key stakeholders and departments in the portfolio area
- Represent the Mayor/Deputy at conferences/workshops/meetings in the absence of the Mayor/Deputy
- Address Council on strategic matters in relations to the portfolio areas
- Provide cultural advice and assistance

2. Portfolio Area

The Committee's portfolio area covers:

- Regional Assembly
- Transition Action Plan (TAP)
- Torres Strait Treaty
- Local Government Boundaries

3. Term

The Governance and Leadership Committee is effective from 1 August 2020 until terminated by Council.

4. Membership

Members shall be:

- The Mayor
- Three Councillors – as nominated by Council

The Council will determine who will be the chair.

Councillor members elected by Council at Council's June 2020 Ordinary Meeting:

- Cr Lui - **Chair**
- Cr Trinkoon
- Cr Toby

5. Standing Orders and Meeting Procedures

Council's Standing Orders Policy and Meeting Procedures Policy apply to the meetings of the Committee.

Where a member misses two consecutive meetings without formal apology, the member will be removed from the Committee and Council will nominate a replacement at its next ordinary meeting.

6. Meetings

The Committee will meet quarterly unless otherwise scheduled. The Committee will meet monthly unless otherwise scheduled. These meeting will be open to the public unless the Committee resolve to close the meeting under section 275 of the *Local Government Regulation 2012*.

Meeting quorum shall be two members.

Attendance may be via videoconference or teleconference; however, the Reference Group will meet face-to-face wherever possible by aligning meeting times with other Council approved travel e.g., Monthly Council Meetings, Council workshops.

Agenda items and papers must be provided to the Secretariat at least ten (10) working days prior to the meeting date. Late submissions will only be included with the written approval of the Chair.

Agenda items and papers will be distributed via email to members at least five (5) working days prior to the meeting date.

Written minutes are required to be published within ten days of the meeting and endorsed at the following Ordinary meeting.

7. Amendment, Modification or Variation

These Terms of Reference may be amended, varied, or modified in writing with approval from Council.

8. Executive Support

An Executive Officer will be assigned to the Committee to provide support to the committee members and be liaison between the elected members and the administration.

Executive Officer assigned to Committee: Executive Director, Community and Building Services.

9. Administrative Support

Secretariat support will be provided by the Secretariat Office.

Terms of Reference endorsed by Council resolution at November 2021 Ordinary Meeting.

Terms of Reference for the Housing and Safe and Healthy Communities Committee

1. Objective

The Housing and Safe and Healthy Communities Committee is established as a standing committee under section 264 of the *Local Government Regulation 2012*.

The Committee members should:

- Be proactively involved in the portfolio area
- Review and shape Council's policy position of portfolio area
- Develop desktop management system for the portfolio area
- Develop, advocate and lead community engagement process/program with key stakeholders and departments in the portfolio area
- Represent the Mayor/Deputy at conferences/workshops/meetings in the absence of the Mayor/Deputy
- Address Council on strategic matters in relations to the portfolio areas
- Provide cultural advice and assistance

2. Portfolio Area

The Committee's portfolio area covers:

- Housing
- Water and Wastewater
- Access and transport
- Health
- Master Planning

3. Term

The Housing and Safe and Healthy Communities Committee is effective from 1 August 2020 until terminated by Council.

4. Membership

Members shall be:

- The Mayor
- Three Councillors – as nominated by Council

The Council will determine who will be the chair.

Councillor members elected by Council at Council's June 2020 Ordinary Meeting:

- Cr Fell - **Chair**
- Cr Levi
- Cr Pearson

5. Standing Orders and Meeting Procedures

Council's Standing Orders Policy and Meeting Procedures Policy apply to the meetings of the Committee.

Where a member misses two consecutive meetings without formal apology, the member will be removed from the Committee and Council will nominate a replacement at its next ordinary meeting.

6. Meetings

The Committee will meet quarterly unless otherwise scheduled. The Committee will meet monthly unless otherwise scheduled. These meeting will be open to the public unless the Committee resolve to close the meeting under section 275 of the *Local Government Regulation 2012*.

Meeting quorum shall be two members.

Attendance may be via videoconference or teleconference; however, the Reference Group will meet face-to-face wherever possible by aligning meeting times with other Council approved travel e.g. Monthly Council Meetings, Council workshops.

Agenda items and papers must be provided to the Secretariat at least ten (10) working days prior to the meeting date. Late submissions will only be included with the written approval of the Chair.

Agenda items and papers will be distributed via email to members at least five (5) working days prior to the meeting date.

Written minutes are required to be published within ten days of the meeting and endorsed at the following Ordinary meeting.

7. Amendment, Modification or Variation

These Terms of Reference may be amended, varied or modified in writing with approval from Council.

8. Executive Support

An Executive Officer will be assigned to the Committee to provide support to the committee members and be liaison between the elected members and the administration.

Executive Officer assigned to Committee: Executive Director, Engineering Services and Executive Director, Community and Building Services.

9. Administrative Support

Secretariat support will be provided by the Secretariat Office.

Terms of Reference endorsed by Council resolution at November 2021 Ordinary Meeting.

Terms of Reference for the Strategic Advisory Reference Group

1. Objective

The Strategic Advisory Reference Group Committee (SARG) is established as a standing committee under section 264 of the *Local Government Regulation 2012*.

The objective of the committee is to provide leadership on the strategic position and direction of Council arising from all external and internal influencers and their impacts resulting from various sources including:

- International developments
- Governmental Reforms
- Council vision and strategic direction
- Internal review of organisational structure
- Budgetary and/or financial funding changes
- Audit findings and recommendations

Scope may include:

- Strategic direction
- Council strategic plans and policies
- Long Term Financial Forecasts
- Council Performance Management, Measurement, Benchmarking
- Strategic Staffing Initiatives
- Strategic Asset Management
- Facilities including office and residential accommodations

2. Term

The Strategic Advisory Reference Group Committee is effective from 1 August 2020 until terminated by Council.

3. Membership

Members shall be:

- The Mayor – **Cr P Mosby**
- The Chairs of Council's other standing committees
 - Culture, Arts, Land and Heritage Committee – **Cr Noah**
 - Governance and Leadership Committee – **Cr Lui**
 - Economic Growth Committee – **Cr Stephen**
 - Housing, and Safe and Healthy Communities Committee – **Cr Fell**
 - Climate Change Adaption and Environment Committee – **Cr H Mosby**

The respective chair of the five other standing committees may appoint another member of the specific committee to act as a proxy and attend meetings of the SARG Committee, if the committee chair is unavailable to attend a meeting of the SARG Committee.

The Mayor will be the chair of the Strategic Advisory Reference Group Committee.

4. Standing Orders and Meeting Procedures

Council's Standing Orders Policy and Meeting Procedures Policy apply to the meetings of the Committee.

Where a member misses two consecutive meetings without formal apology, the member will be removed from the Committee and Council will nominate a replacement at its next general meeting

5. Meetings

The Committee will meet monthly unless otherwise scheduled. These meeting will be open to the public unless the Committee resolve to close the meeting under section 275 of the *Local Government Regulation 2012*.

The Committee may nominate one (1) Councillor to be an alternate member in the case of absence of one or more Councillor members from a Committee meeting. The alternate member must be endorsed by Council resolution. The alternate member is the only permissible proxy for the Councillor members.

Meeting quorum shall be the chair plus three members.

Attendance may be via videoconference or teleconference; however, the Reference Group will meet face-to-face wherever possible by aligning meeting times with other Council approved travel e.g. Monthly Council Meetings, Council workshops.

Agenda items and papers must be provided to the Secretariat at least ten (10) working days prior to the meeting date. Late submissions will only be included with the written approval of the Chair.

Agenda items and papers will be distributed via email to members at least five (5) working days prior to the meeting date.

Written minutes are required to be published within ten days of the meeting and endorsed at the following Ordinary meeting.

6. Amendment, Modification or Variation

These Terms of Reference may be amended, varied, or modified in writing with approval from Council.

7. Executive Support

Executive Officer assigned to Committee: Chief Executive Officer

The Chief Executive Officer; Executive Director, Financial Services; Executive Director, Community and Building Services; Executive Director, Engineering Services; and Executive Director, Corporate Services will attend meetings of the Strategic Advisory Reference Group Committee.

Other officers will be invited to attend as required.

8. Administrative Support

Administrative support will be provided by the Secretariat Office.

Terms of Reference endorsed by Council resolution at November 2021 Ordinary Meeting.

AGENDA REPORT

MEETING:	February 2024
DATE:	29 February 2024
ITEM:	Agenda Item for Resolution by SARG
SUBJECT:	Delegations (Waste Reduction and Recycling Regulation)
AUTHOR:	Julia Mauro, Senior Legal Officer

Recommendations:

1. Updates to existing delegations:

That, pursuant to section 257 of the *Local Government Act 2009*, the Strategic Advisory Reference Group (SARG) recommends that Council delegate to the Chief Executive Officer the exercise of powers under the ***Waste Reduction and Recycling Regulation 2023 (Qld)*** and these powers must be exercised subject to Ailan Kastom and any limitations contained in Schedule 2 of the attached Instrument of Delegation.

Executive Summary:

The *Waste Reduction and Recycling Regulation 2023 (Qld)* (WRRR) was introduced to replace the previous *Waste Reduction and Recycling Regulation 2011 (Qld)* (Previous WRRR), which expired on 31 August 2023. The WRRR is in substantially similar form to the Previous WRRR, and amendments were made to reflect current drafting practice and ensure clear alignment with the policy objectives.

Background:

Delegation of statutory power from Council to CEO

1. The powers of Local Government are exercised through its officers, with the principal officer being the Chief Executive Officer. Instruments of Delegation allow certain Local Government powers to be exercised by appropriately qualified local government employees to ensure operational efficiency.
2. Council may only exercise those powers delegated to it by State legislation. The Chief Executive Officer may only exercise those powers given to him directly or delegated to him by Council. Local Government employees may only exercise those powers delegated to them by the Chief Executive Officer.
3. An update of Instruments of Delegations must occur regularly (at least annually) to ensure exercise of powers according to law. The individual instruments of delegation are updated to reflect Council resolutions to date and are uploaded to Council's intranet for staff reference.
4. The sub-delegations register records sub-delegations from the CEO to an employee or contractor. The sub-delegations register requires updating, both to reflect legislative changes and to reflect changes to Council's corporate structure. Council adoption is not required for sub-delegations. Updated sub-delegations instruments are being prepared for review by the CEO.

Comment:

Replacement of the Waste Reduction and Recycling Regulation

5. The *Waste Reduction and Recycling Regulation 2023* (Qld) (WRRR) was introduced to replace the previous *Waste Reduction and Recycling Regulation 2011* (Qld) (Previous WRRR), which expired on 31 August 2023. The WRRR is in substantially similar form to the Previous WRRR.
6. This law reform requires a new Instrument of Delegations.
7. Council previously delegated all powers under the WRRR to the CEO on 23 February 2021 and renewed these delegations on 24 January 2024.
8. There are no trustee powers in the proposed Instrument of Delegations.
9. The proposed Instrument of Delegation for the WRRR is included as **Attachment 1**.
10. The proposed delegations have been reviewed by Senior Legal Officer as per the usual practice:
 - a. Powers that Council previously declined to delegate have not been recommended for delegation.
 - b. Powers that MacDonnells Law recommends not be delegated have not been recommended for delegation.
 - c. Powers not recommended for delegation are marked "N/A" in the delegations document.
 - d. All conditions included in previous delegations have been carried over. Senior Legal Officer has consolidated the conditions into a single section that covers both Council's standard conditions and the conditions recommended by MacDonnells Law. This is to improve the readability of the Instruments of Delegations.
 - e. Conditions imposed on all delegations state that whilst exercising a power, the delegate must (not "may") take into account Ailan Kastom. Ailan Kastom is defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld). Section 9(3) of the *Local Government Act 2009* states "may take into account" and therefore makes this discretionary; however, since 2021 Council has instructed that the delegate must take Ailan Kastom into account.
11. For continued operational efficiency and statutory compliance in all Departments, the new Instrument of Delegation should be approved by Council.

Considerations

Risk Management

This is a significant risk of non-compliance if Council's delegations are not updated. This is because without up-to-date delegations, the CEO and Council staff are more likely to make decisions without the necessary delegated authority; those decisions are invalid and could be challenged.

For continued operational efficiency and statutory compliance in all Departments, the delegations should be submitted to Council for adoption.

Council Finance

No finance implications.

Consultation:

- MacDonnells Law has drafted the Instrument of Delegation.

Links to Strategic Plans:

TSIRC Corporate Plan 2020–2025

Delivery Pillar: People

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

Delivery Pillar: Sustainability

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

Statutory Requirements:

Local Government Act 2009

Local Government Regulation 2012

Torres Strait Islander Land Act 1991

Meaning of “Ailan Kastom”/Island custom

Ailan Kastom is defined in the *Torres Strait Islander Land Act*, section 6, which is pasted below.

Torres Strait Islander Land Act 1991

Section 6

Meaning of Island custom

Island custom, known in the Torres Strait as Ailan Kastom, is the body of customs, traditions, observances and beliefs of Torres Strait Islanders generally or of a particular group of Torres Strait Islanders, and includes any such customs, traditions, observances and beliefs relating to particular persons, areas, objects or relationships.

The Audit Committee previously raised a query: *What is the effect of Ailan Kastom on delegations?* Ms Mauro advised as follows:

Each delegate is required to take into account Ailan Kastom when exercising statutory powers. Many delegates have a limited understanding of traditional island law and custom (sometimes limited to the cultural awareness training that is delivered as part of employee induction). In practice, I think the requirement is for delegates to be aware of the cultural context of their decision-making and to seek guidance when the proposed exercise of statutory power may relate to Ailan Kastom. For example, Council specifically queried delegations relating to controlling beach access. If the delegate proposed to close access to a beach (or for that matter take any action relating to control over land), taking into account Ailan Kastom would mean that the delegate would need to communicate (at minimum, in an emergency situation) or consult with the Councillor to ensure that the proposed exercise of statutory power takes into account Ailan Kastom.

Conclusion:

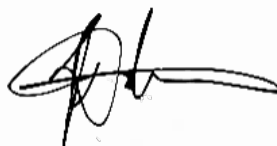
The new Instrument of Delegations (WRRR) is recommended for Council's endorsement.



Recommended:

Susanne Andres

Executive Director, Corporate Services



Endorsed:

James William

Chief Executive Officer

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council *Waste Reduction and Recycling Regulation 2023 ("WRRR")*

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Waste Reduction and Recycling Regulation 2023 ("WRRR")**Part 3 – Designation of areas by local governments for general or green waste collection**

Entity power given to	Section of WRRR	Description
Local Government	5(b)	Power to decide the frequency of general waste or green waste collection in the designated areas.

Part 4 – Waste levy**Division 4 – Discounting waste levy for residue waste**

Entity power given to	Section of WRRR	Description
Holder of the approval	24(1)(b)	In the circumstances, the power to give the chief executive a report that complies with subsection (2) within 2 months after each reporting period ends.

Part 13 – Used packaging materials**Division 3 – Kerbside and other recycling collectors to give information to chief executive**

Entity power given to	Section of WRRR	Description
Local government recycling provider	83(1)	In the circumstances, the power to give the chief executive information that complies with subparagraphs (a) to (e) within 3 months after each financial year during which the kerbside collection service operates or is provided ends.
Local government recycling provider	83(2)	In the circumstances, the power to give the chief executive information about the percentage of households within the service area with access to the service within 3 months after each financial year during which the kerbside collection service operates or is provided ends.
Local government recycling provider	83(4)	Power to include obligation in contract with another person to provide a kerbside recycling collection service or another recycling service, to give the information mentioned in subsections (1) and (2) as applicable.

LIMITATIONS TO THE EXERCISE OF POWER

1. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld). The delegated power shall be subject to prior Council consultation where the exercise of any delegated power may in all reasonable likelihood:
 - (a) impact on land and/or sea; and/or
 - (b) involve payment of compensation regarding land; and/or
 - (c) require a budget amendment.
2. Where Council, in its budget or by resolution, allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
3. Unless a higher financial delegation is explicitly provided for in the delegation, any decision of the delegate must be made within the financial delegation of the delegate.
4. Unless explicitly provided for in the delegation, delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate.
5. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
6. The delegate shall not give Council opinions and, if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council.
7. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
8. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
9. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.

10. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.
11. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws.

[2023 09 01 - WRRR - Delegation Instrument]

DELEGABLE POWERS UNDER THE WASTE REDUCTION AND RECYCLING REGULATION 2023 ("WRRR")

Part 3 – Designation of areas by local governments for general or green waste collection

Entity power given to	Section of WRRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	5(b)	Power to decide the frequency of general waste or green waste collection in the designated areas.				Consider conduct of significant business activities by local governments in LOGA and <i>City of Brisbane Act 2010</i> .

Part 4 – Waste levy

Division 4 – Discounting waste levy for residue waste

Entity power given to	Section of WRRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Holder of the approval	24(1)(b)	In the circumstances, the power to give the chief executive a report that complies with subsection (2) within 2 months after each reporting period ends.				

Part 13 – Used packaging materials

**Division 3 – Kerbside and other recycling
collectors to give information to chief executive**

Entity power given to	Section of WRRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
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Local government recycling provider	83(2)	In the circumstances, the power to give the chief executive information about the percentage of households within the service area with access to the service within 3 months after each financial year during which the kerbside collection service operates or is provided ends.				
Local government recycling provider	83(4)	Power to include obligation in contract with another person to provide a kerbside recycling collection service or another recycling service, to give the information mentioned in subsections (1) and (2) as applicable.				

[2023 09 01 - WRRR - Delegation Table]

Torres Strait Island Regional Council
Waste Reduction and Recycling Regulation 2023 ("WRRR")

James William
Chief Executive Officer
Torres Strait Island Regional Council

Position: Insert Position
Position Code: Insert Position Code

POWERS SUB-DELEGATED

Waste Reduction and Recycling Regulation 2023 ("WRRR")

Part 3 – Designation of areas by local governments for general or green waste collection

Entity power given to	Section of WRRR	Description
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9. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.

10. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.
11. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws.

[2023 09 01 - WRRR - Sub-Delegation Instrument]