



Ordinary Council Meeting

Agenda

Date: 24-25 October 2023
Time: 10.30am to 5.00pm
Venue: (VC) VMR 8 – 0299 165 402
Guest PIN: 6905#

Time	Subject	
10.30am	1.	Welcome & Quorum Confirmation
10.45am	2.	Apologies
10.50am	3.	Conflict of Interest (COI) - Declarable/Prescribed
10.55am	4.	Confirmation of Ordinary Council Meeting Minutes – September 2023
	5.	Ratification of Housing and Safe and Healthy Communities Committee Meeting Minutes of 8 June 2023
	6.	Ratification of Climate Change Adaptation & Environment Committee Meeting Draft Minutes of 14 September 2023
	7.	Ratification of Housing and Safe and Healthy Communities Committee Meeting Draft Minutes of 10 October 2023
	8.	Ratification of Governance & Leadership Committee Meeting Draft Minutes of 18 October 2023
11.05am	9.	Action Items from Previous Ordinary Council Meetings
11.10am	10.	Mayor Report – October 2023
11.15am	11.	Chief Executive Officer Report – October 2023 (late report)
	12.	CHIEF EXECUTIVE OFFICER: 2024 Ordinary Council & Committee Meeting Dates
	13.	CHIEF EXECUTIVE OFFICER: Nominations for Audit Committee (late report)
	14.	BUILDING SERVICES: Building Services Report (September 2023)
	15.	CORPORATE SERVICES: Culture, Arts, Land & Heritage (CALH) Committee – Update Membership & Terms of Reference (TOR)
	16.	CORPORATE SERVICES: Community Grants Program Allocation – October 2023
	17.	CORPORATE SERVICES: Funding Acquisition Report (September 2023)
	18.	CORPORATE SERVICES: Policy Updates and Complaints Annual Report
	19.	CORPORATE SERVICES: Policy Matter – Risk Management Policy
	20.	FINANCIAL SERVICES: Financial Dashboard Report – September 2023
2.00pm	21.	DEPUTATION: Productivity Commission
		<u>Discussion Topic:</u> Review of the National Agreement on Closing the Gap
		<u>Deputation Lead Speaker:</u> Commissioner Natalie Siegel-Brown
		<u>Other Deputation Attendees:</u>
		<ul style="list-style-type: none"> Ms Sal McCarthy Project Officer Closing the Gap Review and Reporting Group Commissioner Romlie Mokak (tbc)
		<i>TSIRC Executive Responsible for Deputation (Chief Executive Officer)</i>

- | | |
|--------|--|
| 3.00pm | <p>22. MOVE INTO CLOSED BUSINESS</p> <p><i>Mayor to call for meeting to proceed into Closed Business</i></p> <p>23. BUILDING SERVICES: Contractual Matter – Forward Remote Capital Program Housing Investment Plan Strategy</p> <p><i>[Reason for closed discussion: These matters involve negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government]</i></p> <p>24. CORPORATE SERVICES: Enterprise Divestment and Licence Fee Waivers</p> <p><i>[Reason for closed discussion: These matters involve negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government]</i></p> <p>25. ENGINEERING SERVICES: Award Tender No.TSIRC 2022-362 Marine Initiatives – Separable Portion B – Badu Island Barge Ramp Remedial Works</p> <p><i>[Reason for closed discussion: A matter involving the local government's budget]</i></p> <p>26. ENGINEERING SERVICES: Capital Works Information Report (verbal update)</p> <p><i>[Reason for closed discussion: These matters involve negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government]</i></p> <p>27. ENGINEERING SERVICES: Marine Infrastructure Projects</p> <p><i>[Reason for closed discussion: These matters involve negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government]</i></p> <p>28. CORPORATE SERVICES: (*** Restricted Discussion ***) Debt Recovery Matter</p> <p><i>[Reason for closed discussion: A matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State]</i></p> <p>29. MOVE OUT OF CLOSED BUSINESS</p> <p><i>Mayor to call for meeting to move out of Closed Business</i></p> |
| 5.00pm | <p>30. CONSIDERATION OF MATTERS DISCUSSED IN CLOSED BUSINESS</p> <p>31. BUSINESS ARISING</p> <p><i>For discussion of additional business which arises throughout the meeting.</i></p> <p>32. Strategic Matters</p> <p>33. Next Council Meeting Date: 16-17 November 2023 (Cairns)</p> <p>34. Official Close & Prayer</p> |



In accordance with Section 169 of the *Local Government Act 2009* and Section 254 of the *Local Government Regulation 2012* the TSIRC Chief Executive Officer (Mr James William) conducted the declaration of office for **RANETTA ROBYN WOSOMO** to take office as TSIRC Councillor for Division 5 (Badu) at the beginning of the day (immediately prior to the commencement of the September 2023 Trustee Council Meeting) to fill the vacancy arising due to the resignation of Cr Laurie Nona. Cr Wosomo will hold office until the results of the 2024 Queensland Local Government Elections on 16 March 2024 are formally declared.



Draft Minutes

ORDINARY COUNCIL MEETING

19-20 September 2023

Day 1 – 19 September 2023

PRESENT:

Mayor

Division 1 - Boigu
Division 2 – Dauan
Division 3 – Saibai
Division 5 – Badu
Division 6 – Arkai
Division 7 – Wug (St Pauls)
Division 9 – Iama
Division 10 – Warraber
Division 11 – Poruma
Division 12 – Masig
Division 13 – Ugar
Division 14 - Erub
Division 15 – Mer

Cr Phillemon Mosby
Cr Dimas Toby
Cr Torenzo Elisala
Cr Conwell Tabuai
Cr Ranetta Wosomo
Cr Lama Trinkoon
Cr John Levi
Cr Getano Lui (Jnr) AM – **Deputy Mayor**
Cr Kabay Tamu
Cr Francis Pearson
Cr Hilda Mosby
Cr Rocky Stephen
Cr Jimmy Gela
not represented

OFFICERS:

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

Mr James William
Mr Wayne Green
Mr Dawson Sailor
Mr Martin Leech
Mr David Baldwin
Ms Hollie Faithfull
Ms Julia Mauro
Ms Sharon Russell
Ms Trudi Lui
Mr Darryl Brooks

(telephone dial-in)

APOLOGIES:

Division 4 – Mabuiag
Division 8 – Kirirri (Hammond)

Cr Keith Fell
Cr Seriako Dorante

1. Welcome & Quorum Confirmation

The Mayor formally opened the September 2023 Ordinary Council Meeting at 11.36am, noting that a quorum of members was established at the preceding Trustee Council Meeting.

2. Apologies

The following apologies were noted:

- Cr Keith Fell (Division 4 – Mabuiag) due to medical reasons; and
- Cr Seriako Dorante (Division 8 – Kirirri) due to cultural/family commitments.

RESOLUTION

Moved: Cr Conwell Tabuai

Second: Cr Francis Pearson

Council accepts the apology of Cr Keith Fell for the September 2023 Council Ordinary Meeting and approves the payment of the Councillor's Monthly Meeting Allowance.

CARRIED UNANIMOUSLY

RESOLUTION

Moved: Cr Jimmy Gela

Second: Cr Lama Trinkoon

Council accepts the apology of Cr Seriako Dorante for the September 2023 Council Ordinary Meeting and approves the payment of the Councillor's Monthly Meeting Allowance.

CARRIED UNANIMOUSLY

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

Mayor Mosby requested that members make any relevant conflict of interest declarations and to also advise if they were currently involved in any legal proceedings which pertain to Ordinary Council business to be considered at the meeting. No declarations were made.

4. Confirmation of Council Ordinary Meeting Minutes - August 2023

RESOLUTION

Moved: Cr Lama Trinkoon

Second: Cr Torenzo Elisala

Council agrees that the minutes of the Council Ordinary Meeting held on 30-31 August 2023, subject to minor grammatical amendments, are confirmed as a true and accurate record of that meeting.

CARRIED UNANIMOUSLY

5. Ratification of Climate Change Adaptation and Environment Committee Meeting Minutes of 27 April 2023

RESOLUTION

Moved: Cr Hilda Mosby

Second: Cr Kabay Tamu

Council ratifies the Climate Change Adaptation and Environment Committee Meeting Minutes of 27 April 2023.

CARRIED UNANIMOUSLY

6. Action Items from Previous Council Ordinary Meetings

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

➤ *Council meeting adjourned to lunch from 12.40pm to 1.40pm.*

7. Mayor Report – September 2023

Council noted this report.

Councillors expressed concern that opportunities for TSIRC social media coverage were not being utilized effectively. The Mayor encouraged Councillors to send items to him to promote through the Mayor's social media outlets.

ACTION:

ED Corporate Services to explore social media options for Councillors to promote TSIRC News.

8. Chief Executive Officer Report – September 2023

Council noted this report.

ACTION:

Chief Executive Officer to invite TSIRC Regional Managers to attend the November 2023 Council Workshop.

9. CORPORATE SERVICES: TSIRC Special Holidays 2024**RESOLUTION**

Moved: *Cr Kabay Tamu*

Second: *Cr Jimmy Gela*

(a) Council notes the report;

(b) Council endorses the following TSIRC Special Holidays for 2024:

Region – Region Wide Holidays	Description	2024 date
Torres Strait Island Region (whole region)	Torres Strait Flag Day	29-May-24
Torres Strait Island Region (whole region)	Mabo Day	3-Jun-24
Torres Strait Island Region (whole region)	Coming of the Light	1-Jul-24
Torres Strait Island Region (whole region)	First Councillors Conference - Masig	23-Aug-24

Region – Specific Division Holidays	Description	2024 date
Torres Strait Island Region - Badu	St. Marks Church Day	25-Apr-24
Torres Strait Island Region - Badu	Coming of the Light to Badu	30-Oct-24
Torres Strait Island Region - Badu	Native Title Determination Day	14-Dec-24
Torres Strait Island Region - Boigu	United Pentecostal Church Day (Church of Rock)	28-Feb-24
Torres Strait Island Region - Boigu	St Saviour Church Day - Torres Strait Church	19-Jun-24
Torres Strait Island Region - Boigu	Coming of the Light	8-Jul-24
Torres Strait Island Region - Boigu	August Festival	7-Aug-24
Torres Strait Island Region - Boigu	Blood Covenant Church Dedication Day	26-Sep-24

Region – Specific Division Holidays	Description	2024 date
Torres Strait Island Region - Boigu	Native Title Determination Day	10-Dec-24
Torres Strait Island Region - Dauan	Ascension Day (Church Day of Parish of Ascension)	8-May-24
Torres Strait Island Region - Dauan	Coming of the Light and Native Title Determination Day	6-Jul-24
Torres Strait Island Region - Dauan	Church of the Holy Cross Day	14-Sep-24
Torres Strait Island Region - Erub	Coming of the Light	2-Jul-24
Torres Strait Island Region - Erub	The Ark of Transfiguration	6-Aug-24
Torres Strait Island Region - Erub	Annual Daisy Mye Sports Carnival	24-Sep-24
Torres Strait Island Region - Erub	All Saints Church Day	1-Nov-24
Torres Strait Island Region - Erub	Native Title Determination Day	8-Dec-24
Torres Strait Island Region - Iama	St John Divine Church Day	19-Jun-24
Torres Strait Island Region - Iama	Turan Tabernacle Church Day Iama	14-Sep-24
Torres Strait Island Region - Iama	Native Title Determination Day	13-Dec-24
Torres Strait Island Region - Kubin	Mualgal Native Title Determination Day	12-Feb-24
Torres Strait Island Region - Kubin	St Peter's Church Day	29-Jun-24
Torres Strait Island Region - Mabuaig	Wagadagam Tribal Chief Initiation Day	29-Jun-24
Torres Strait Island Region - Mabuiag	St. Mary's Church Day	2-Feb-24
Torres Strait Island Region - Mabuiag	Native Title Determination Day	6-Jul-24
Torres Strait Island Region - Mabuiag	St. Mary's Church Dedication Day	1-Aug-24
Torres Strait Island Region - Mabuiag	Coming of the Light	3-Sep-24
Torres Strait Island Region - Masig	Coming of the Light	3-Jul-24
Torres Strait Island Region - Masig	Masig Native Title Determination Day	7-Jul-24
Torres Strait Island Region - Masig	St John the Evangelist Church Day	27-Dec-24
Torres Strait Island Region - Mer	Dauar Waier Observation Festival	14-Jun-24
Torres Strait Island Region - Mer	Coming of the Light	2-Jul-24
Torres Strait Island Region - Mer	St. James Anglican Church Day	25-Jul-24
Torres Strait Island Region - Mer	Cease Fire Day	15-Aug-24
Torres Strait Island Region - Poruma	Native Title Determination	7-Jul-24
Torres Strait Island Region - Poruma	St Andrews Church Day	30-Nov-24
Torres Strait Island Region - Saibai	Native Title Determination Day	12-Feb-24
Torres Strait Island Region - Saibai	Holy Trinity Church Day	5-Jun-24
Torres Strait Island Region - Saibai	Annexure Day	1-Aug-24
Torres Strait Island Region - Saibai	Church Dedication Day	4-Dec-24
Torres Strait Island Region - St Pauls	St Pauls Anglican Church Day	25-Jan-24
Torres Strait Island Region - St Pauls	Mualgal Native Title Determination Day	12-Feb-24
Torres Strait Island Region - St Pauls	Kozan Outreach Church Day	18-Apr-24
Torres Strait Island Region - St Pauls	Florence Buchanan Day (Coming of the Light)	19-May-24
Torres Strait Island Region - Ugar	Coming of the Light Celebrations	2-Jul-24
Torres Strait Island Region - Ugar	The Ark of Transfiguration Church Day	6-Aug-24
Torres Strait Island Region - Ugar	The Ark of Transfiguration Church Dedication Day	17-Oct-24
Torres Strait Island Region - Ugar	All Saints Church Day	1-Nov-24
Torres Strait Island Region - Ugar	Native Title Determination Day	9-Dec-24

Region – Specific Division Holidays	Description	2024 date
Torres Strait Island Region - Warraber	St Peter's Church Day	29-Jun-24
Torres Strait Island Region - Warraber	Coming of the Light	10-Jul-24
Torres Strait Island Region - Warraber	Indigenous Protected Area Celebration	18-Jul-24
Torres Strait Island Region - Warraber	Native Title Determination	24-Jul-24
Torres Strait Island Region - Warraber	Native Title Determination Day - Aureed Island Claim Day	7-Dec-24

and

- (c) delegates authority to the Chief Executive Office in accordance with the *Local Government Act 2029* to submit the final list for 2024 Special Holidays to the Minister for Industrial Relations for approval.

CARRIED UNANIMOUSLY

ACTION:

Chief Executive Officer to submit the final list for 2024 Special Holidays to the Minister for Industrial Relations for approval, gazettal and publishing on the website.

10. CORPORATE SERVICES/COMMUNITY SERVICES: Badu Lot 200 on SP253545 Lease

RESOLUTION

Moved: Cr Ranetta Wosomo

Second: Cr Lama Trinkoon

1. That Council request a new five-year lease from Mura Badulgal (Torres Strait Islanders) Corporation RNTBC over Lot 200 on SP253545 for the period 1 February 2024 to 31 January 2029; and
2. That pursuant to section 257 of the *Local Government Act*, that Council delegate to the CEO the power to negotiate, make, sign, amend and discharge the new lease and any interim deed of agreement to lease, including all matters relating to native title future act validation.

CARRIED UNANIMOUSLY

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

RESOLUTION

Moved: Cr Jimmy Gela

Second: Cr Rocky Stephen

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

- Bau Au Stingers for the eligible amount of \$4,890.00, exclusive of GST.

CARRIED UNANIMOUSLY

- *Cr Dimas Toby declared a Conflict of Interest in relation to the following application and left the meeting (3.30pm) prior to deliberation on this item.*

RESOLUTION

Moved: *Cr Torenzo Elisala*

Second: *Cr Conwell Tabuai*

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

- Church of the Rock for the eligible amount of \$1,858.50, exclusive of GST.

CARRIED UNANIMOUSLY

- *Cr Dimas Toby returned to the meeting at the conclusion of the above recommendation.*

RESOLUTION

Moved: *Cr Francis Pearson*

Second: *Cr Jimmy Gela*

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

- Samantha Kris for the eligible amount of \$2,500.00, exclusive of GST.

CARRIED UNANIMOUSLY

RESOLUTION

Moved: *Cr Lama Trinkoon*

Second: *Cr Jimmy Gela*

Due to Badu Community's limited community grants balance of \$1,931.88 and on the recommendation of Cr Ranetta Wosomo, Council resolves to allocate the remaining Community Grants Program funding equally to the following applications in accordance with the Community Grants Policy:

- Badu Futsal Club (the amount of \$643.96, exclusive of GST);
- Mary Ahmat (the amount of \$643.96, exclusive of GST); and
- Kulpiyam Youth & Sports Inc (the amount of \$643.96, exclusive of GST).

CARRIED UNANIMOUSLY

ACTION:

1. ED Corporate Services to review options available to Division 5 (Badu) in relation to future applications under the Community Grants Program for the remainder of the 2023-24 Financial Year.
2. ED Corporate Services to follow-up with Cr Rocky Stephen a Community Grants Program application from Division 13 in relation to a graduation ceremony.

12. CORPORATE SERVICES: Funding Acquisition Report

RESOLUTION

Moved: *Cr Torenzo Elisala*

Second: *Cr Conwell Tabuai*

Council resolves to note this report and its content.

CARRIED UNANIMOUSLY

13. ENGINEERING SERVICES: CHAS Naming and Public Exhibition

RESOLUTION

Moved: Cr Hilda Mosby

Second: Cr Torenzo Elisala

Council resolves:

- To endorse a formal 28-day public exhibition/review period for the TSIRC Coastal Hazard Adaptation Strategy (CHAS) and to make the document publicly available following the review period; and
- Pursuant to section 257 of the *Local Government Act 2009*, to delegate to the Chief Executive Officer power to make, amend or discharge the CHAS and power to negotiate, finalise and execute any and all matters associated with or in relation to this project and contract including without limitation any options and/or variations.

CARRIED UNANIMOUSLY

14. ENGINEERING SERVICES: Information Report – Capital Works

RESOLUTION

Moved: Cr Torenzo Elisala

Second: Cr Conwell Tabuai

Council notes this report.

CARRIED UNANIMOUSLY

15. FINANCIAL SERVICES: Financial Dashboard Report – August 2023

RESOLUTION

Moved: Cr Rocky Stephen

Second: Cr Kabay Tamu

That Council receive and endorse the monthly financial statements attached to the officer's report for the 2023-24 year to date, for the period ended 31 August 2023, as required under Section 204 *Local Government Regulation 2012*.

CARRIED UNANIMOUSLY

16. FINANCIAL SERVICES: Auditor-General Observation Report on the Interim Audit for the Year Ending 30 June 2023

RESOLUTION

Moved: Cr Francis Pearson

Second: Cr Rocky Stephen

Council notes the Auditor-General Observation Report on the Interim Audit for the Year Ending 30 June 2023.

CARRIED UNANIMOUSLY

ACTION:

ED Corporate Services to oversee the review and update of the TSIRC Recruitment Policy to include the requirement for criminal history checks for positions that warrant a higher level of vetting as part of the recruitment process.

17. MOVE INTO CLOSED BUSINESS

RESOLUTION

Moved: Cr Francis Pearson

Second: Cr John Levi

Council resolves to close the meeting to the public pursuant to section 254J of the *Local Government Regulation 2012* to allow the Council to discuss items listed on the agenda under Closed Business, as these matters involve:

- (a) industrial matters affecting employees;
- (b) the local government's budget;
- (c) rating concessions;
- (d) legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government;
- (e) matters that may directly affect the health and safety of an individual or a group of individuals;
- (f) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;
- (g) negotiations relating to the taking of land by the local government under the *Acquisition of Land Act 1967*;
- (h) a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

CARRIED UNANIMOUSLY

25. MOVE OUT OF CLOSED BUSINESS

RESOLUTION

Moved: Cr Rocky Stephen

Second: Cr Hilda Mosby

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

CARRIED UNANIMOUSLY

26. CONSIDERATION OF MATTERS DISCUSSED IN CLOSED BUSINESS

18. CHIEF EXECUTIVE OFFICER: Appointment of Audit Committee Membership

RESOLUTION

Moved: Cr Torenzo Elisala

Second: Cr Conwell Tabuai

1. That pursuant to the *Local Government Act 2009 (Qld)* and *Section 228 (Tender Process) of Local Government Regulation 2012 (Qld)*, Council endorse Chief Executive Officer approval and release of Letters of Acceptance (LoA) on 8 July 2023 to two (2) selected conforming responses to RFQ TSIRC 2021-354 Audit Governance Services: Audit Governance Services: Nominations for TSIRC Audit Committee Executive Membership positions and subsequent execution of the respective Services Contracts on 15 August 2023.

Namely:

- a) Cam Charlton from Kleinhardt Pty Ltd - elected as Chairperson
- b) Darryl Bell from DRB Consulting - elected as Deputy Chair

The Service Contracts for both Chairperson and Deputy Chair have terms of 36 months each (1 year fixed + 2 x 1 year renewal Options).

And

2. That pursuant to the *Local Government Act 2009 (Qld)* and *Section 210 (Audit Committee Composition) of Local Government Regulation 2012 (Qld)*, Council resolves to confirm the re-appointment of Mayor Phillemon Mosby and Cr Keith Fell to the Audit Committee positions.

And

3. That pursuant to section 257 of the *Local Government Act 2009 (Qld)*, approve and delegate to the Chief Executive Officer power to negotiate, finalise and execute any and all outstanding matters associated with or in relation to this arrangement including without limitation any options and/or variations as per Council's Procurement and Ethical Sourcing Policy, Audit Policy and Audit Committee Procedures.

CARRIED UNANIMOUSLY

ACTION:

CEO to prepare a follow-up paper for the October 2023 Council Meeting to reaffirm TSIRC membership on the Audit Committee, including Proxies.

19. CORPORATE SERVICES: Fuel Update

RESOLUTION

Moved: Cr Jimmy Gela

Second: Cr John Levi

Council notes the report.

CARRIED UNANIMOUSLY

20. ENGINEERING SERVICES: Information Report – Water Security

RESOLUTION

Moved: Cr John Levi

Second: Cr Rocky Stephen

Council notes the report.

CARRIED UNANIMOUSLY

21. ENGINEERING SERVICES: Award Tender No. TSIRC2023-602 Saibai Island School Road DRFA Works

RESOLUTION

Moved: Cr Conwell Tabuai

Second: Cr Jimmy Gela

Council resolves to:

- Subject to funding approval and finalisation, award the Tender No. TSIRC 2023-602 – Saibai Island School Road DRFA Works to Torres Strait Island Homes Pty Ltd for an amount of up to \$400,000.00 excl. GST; and
- Delegate power to the Chief Executive Officer, pursuant to section 257 of the *Local Government Act 2009* to negotiate, finalise, and execute any and all matters associated with or in relation to this project, funding and contract including without limitation any options and/or variations as per Council's procurement and ethical sourcing policy.

CARRIED UNANIMOUSLY

22. ENGINEERING SERVICES: Iama Water Lagoon Study – Stage 2

RESOLUTION

Moved: Cr Francis Pearson

Second: Cr Rocky Stephen

Council resolves to:

- Subject to funding approval and finalisation, award a variation to Arup Pty Ltd for an amount of up to \$174,978.00 (GST exclusive); and
- Delegate power to the Chief Executive Officer, pursuant to section 257 of the *Local Government Act 2009* to negotiate, finalise, and execute any and all matters associated with or in relation to this project, funding and contract including without limitation any options and/or variations as per Council's procurement and ethical sourcing policy.

CARRIED UNANIMOUSLY

23. ENGINEERING SERVICES: DFRA Various Islands Tender Award

RESOLUTION

Moved: Cr Jimmy Gela

Second: Cr Hilda Mosby

Council resolves to:

- Subject to funding approval and finalisation, award the Tender No. TSIRC2021-357 – Various Islands DRFA Works to Torres Strait Island Homes Pty Ltd for an amount of up to \$2,844,529.21 excl. GST; and
- Delegate power to the Chief Executive Officer, pursuant to section 257 of the *Local Government Act 2009* to negotiate, finalise, and execute any and all matters associated with or in relation to this project, funding and contract including without limitation any options and/or variations as per Council's procurement and ethical sourcing policy.

CARRIED UNANIMOUSLY

- *Council accepted verbal advice from the Chief Executive Officer that the following agenda item was to be a verbal update only, and not a late report as indicated on the meeting agenda.*

24. CHIEF EXECUTIVE OFFICER: Seaswift Litigation

RESOLUTION

Moved: Cr John Levi

Second: Cr Kabay Tamu

Council notes the verbal update provided by the Chief Executive Officer.

CARRIED UNANIMOUSLY

- *Council meeting adjourned for a short break from 6.20pm to 6.40pm.*

27. BUSINESS ARISING

No matters discussed.

28. STRATEGIC MATTERS

(a) Culture, Arts, Land and Heritage Committee Membership

Cr Torenzo Elisala sought clarification on the status of the Committee. The Mayor proposed that Cr Elisala, Cr Ranetta Wosomo and the Mayor should now make up the full membership of the Committee. An agenda paper formalizing this arrangement (including an updated Terms of Reference) is to be prepared for the October 2023 Council meeting.

ACTION:

ED Corporate Services to prepare an agenda paper formalizing the membership of the Culture, Arts, Land and Heritage Committee (including an updated Terms of Reference) for the October 2023 Council meeting.

(b) Support from the Engineering Services Team

Cr Kabay Tamu thanked the ED Engineering Services and his Team for supporting his recent visit to Canberra to advocate on regional matters. Such support is appreciated and adds value to the role of Councillors and the Council itself in their advocacy roles.

(c) Advance Remuneration Payments

The ED Financial Services advised the Council that no advance payments can be made to Councillors in the 6 month period prior to the Quadriennial Council Elections. Therefore, no further advance payments will be made in the remainder of this Council term.

(d) Local Government Association of Queensland (LGAQ) Decision on the Masig Statement

The Mayor advised Council that the Executive of the LGAQ has decided that the motion submitted by Council seeking support for the Masig Statement at the upcoming 2023 LGAQ Conference not be accepted on the basis that it was not relevant to the local governments of Queensland.

The Mayor advised Councillors that this explanation by the LGAQ Executive was totally unacceptable. Councillors unanimously agreed with the Mayor's sentiments and requested the Mayor to pursue these objections strenuously.

ACTION:

1. Mayor Mosby to provide Councillors with a copy of the letter from the LGAQ advising that the Masig Statement would not be considered at the upcoming 2023 LGAQ Conference.
2. Mayor Mosby to appeal decision by the Executive of the LGAQ not to allow the Masig Statement motion to be submitted to the upcoming 2023 LGAQ Conference.

29. Next Council Meeting Date: 24-25 October 2023 (VC)

Noted by Council.

30. Close Day 1

The Mayor closed Day 1 of the meeting at 7.20pm.

Day 2 – 20 September 2023

PRESENT:

Mayor

Division 1 - Boigu
Division 2 – Dauan
Division 3 – Saibai
Division 5 – Badu
Division 6 – Arkai
Division 7 – Wug (St Pauls)
Division 9 – Iama
Division 10 – Warraber
Division 11 – Poruma
Division 12 – Masig
Division 13 – Ugar
Division 14 - Erub
Division 15 – Mer

Cr Phillemon Mosby
Cr Dimas Toby
Cr Torenzo Elisala
Cr Conwell Tabuai
Cr Ranetta Wosomo
Cr Lama Trinkoon
Cr John Levi
Cr Getano Lui (Jnr) AM – **Deputy Mayor**
Cr Kabay Tamu
Cr Francis Pearson
Cr Hilda Mosby
Cr Rocky Stephen
Cr Jimmy Gela
not represented

OFFICERS:

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

Mr James William
Mr Wayne Green
Mr Dawson Sailor
Mr Martin Leech
Mr David Baldwin
Ms Hollie Faithfull
Ms Sharon Russell
Ms Trudi Lui
Mr Darryl Brooks

APOLOGIES:

Division 4 – Mabuiag
Division 8 – Kirirri (Hammond)

Cr Keith Fell
Cr Seriako Dorante

31. Welcome & Quorum Confirmation – Day 2

At 9.10am the Mayor completed a roll call of Councillors. A quorum for Day 2 of the September 2023 Ordinary Council Meeting was noted.

The Mayor reminded Councillors that Day 2 of the meeting is devoted to deputations and that formal proceedings for the September 2023 Ordinary Council Meeting will conclude prior to the deputation listed at 1.00pm (AI 35) with the Papua New Guinea Treaty Village Councillors, as this annual meeting falls under the ambit of the Department of Foreign Affairs and Trade and not TSIRC.

32. DEPUTATION: “Deadly for Diabetes”

Council welcomed Ms Ella Kris (Manager, Health and Wellbeing, TSIRC) and Dr Ray Kelly (Exercise Physiologist and consultant for the ‘Deadly for Diabetes’ program). Dr Ray Kelly addressed the Council through the delivery of a slide presentation.

Council noted the presentation and thanked Ms Kris and Dr Kelly for their attendance and presentation.

ACTION:

ED Community Services to add item to the agenda of the Housing and Safe and Healthy Communities Committee for further discussion on how TSIRC is to engage the program.

33. DEPUTATION: TCHHS Executive, Board and Leadership Teams

Council welcomed Ms Ella Kris once again to the meeting, this time in her capacity as Chair of the Torres and Cape Hospital and Health Service (TCHHS). Ms Kris was joined by Ms Sarah Worth (Acting Executive Director, Nursing and Midwifery) and Mr Frank Grainer (Acting Executive General Manager North). Other delegates listed for the deputation were unable to attend the meeting on this occasion.

Ms Worth and Mr Grainer jointly addressed the Council through the delivery of a slide presentation.

Council noted an offer from Ms Worth to assist Council with the compilation of health data statistics, or other health information for the region, whenever required.

Council also noted that the TCHHS is aware that the Hammond Island Health Centre is a high and overdue need within the community, as well as a high priority long identified by Council.

Council noted the presentation and thanked the TCHHS delegates their attendance and presentation.

34. DEPUTATION: Queensland Police Service (QPS)

[PART 1]

Council welcomed Sergeant Tim Wyeth and Acting Sergeant Amanda Bourne to the meeting to discuss the Domestic Violence Commission of Inquiry Recommendations for the Torres Strait Island Communities. A particular focus relates to Recommendation 62 of the Inquiry, namely:

Within 12 months, the Queensland Police Service consult with relevant First Nations communities and Police Liaison Officers in areas in which Police Liaison Officers are the only permanent Queensland Police Service presence, including in the Torres Strait to explore the most suitable option for servicing the community through either installing sworn officers in those communities or the expansion of powers to Police Liaison Officers in those communities.

Sergeant Wyeth and Acting Sergeant Bourne jointly addressed the Council through the delivery of a slide presentation covering topics such as:

- High Level Plan for Delivery - Recommendation 62
- History of policing in the Torres Strait
- Considerations Recommendation 62
- Questions for Council
- Path Forward (where to from here?)

Council noted the presentation and thanked the QPS delegates for their attendance and presentation.

ACTION:

ED Community Services to provide QPS a copy of the TSIRC's Domestic Violence Action Plan for information.

[PART 2]

Council welcomed Inspector Nick O'Brien (Torres Strait Patrol Group, QPS) to the meeting.

Due to information technology issues Council was unable to view a live demonstration by QPS of the latest body worn camera technology to be trialled in the region. Council was able to view the body worn camera and were stepped through the process by Inspector O'Brien.

Inspector O'Brien also provided Council with an overview of QPS work around the region.

Council agreed to consider scheduling a live demonstration by QPS of the latest body worn camera technology at the November 2023 Council Workshop if time permitted.

Council noted the presentation and thanked Inspector O'Brien for his attendance and commended him for his effective engagement with Council and the community throughout the Torres Strait region.

ACTION:

Chief Executive Officer to consider scheduling a live demonstration by QPS of the latest body worn camera technology at the November 2023 Council Workshop if time permitted.

➤ *Council meeting adjourned for lunch from 12.05pm to 1.05pm.*

35. DEPUTATION: PNG Treaty Village Councillors

The Mayor advised Councillors that the Deputy Mayor - Cr Getano Lui (Jnr) AM - will Chair the meeting between Council and the PNG Treaty Village Councillors.

Administrative staff were not required to be present at this meeting and were excused.

36. Official Close & Prayer

Prior to commencement of discussions between Council and the PNG Treaty Village Councillors (AI 35), the Mayor formally closed the September 2023 Council Ordinary Meeting at 1.35pm.
Cr Getano Lui (Jnr) AM delivered the closing prayer.

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

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

UNCONFIRMED



Housing and Safe & Healthy Communities Committee Meeting

Minutes

Date:

8 June 2023

Time:

10.00am to 12.00nn

Venue:

(VC) VMR 8 – 0299 165 402
#Guest PIN 6905

1. Welcome (Chair)

Cr Keith Fell opened the meeting at 10.10am and welcomed Committee Members and TSIRC staff. The Chairperson also gave respectful acknowledgements to honor both Torres Strait Islander and Aboriginal peoples and their connection to Country.

2. Opening Prayer

Cr Francis Pearson provided the opening prayer.

3. Attendance / Apologies

The following attendances were noted:

Committee Members

Chairperson

Cr Keith Fell

Member

Cr Francis Pearson

Member

Cr John Levi*

TSIRC Officers

Head of Community Services

Mr Dawson Sailor

Executive Director - Building Services

Mr Wayne Green

Executive Director – Engineering Services

Mr David Baldwin (*joined the meeting at 11.45am*)

TSIRC Secretariat

Mr Darryl Brooks

**Cr Levi excused himself from Committee deliberations between 10.10am to 10.25am for Sorry Business purposes.*

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

The Chairperson 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.

5. Noting of Ratified Minutes of the HSHC Committee Meeting held on 2 February 2023

RESOLUTION:

Moved: Cr Francis Pearson

Seconded: Cr Keith Fell

The Committee noted that the Minutes of the HSHC Committee Meeting held on 2 February 2023 were ratified at the February 2023 Council Meeting.

MOTION CARRIED UNANIMOUSLY

6. Action Items from Previous Meeting

The Committee noted the updates provided on action items from the February 2023 meeting.

7. COMMUNITY SERVICES: Community Services Update

Mr Dawson Sailor (Head of Community Services) provided the Committee an update on the following matters:

- Housing Team
 - Currently finalising a review of policies and procedures for the Housing Plan.
 - Housing Officers may be attending a workshop on Thursday Island during the w/b 12 June 2023.
- Environmental Health Team
 - Will be attending the annual workshop in Cherbourg.
- Health and Wellbeing Team
 - IKCs
 - Draft Domestic and Family Violence Action Plan
- 2023 Island of Origin Rugby League Carnival (16-18 June 2023 – Badu Island)
 - Council supported the event through grant funding from Department of Tourism, Innovation and Sport (DTIS)
- November 2023 Council Workshop
 - Confirmation that Regional Managers and Divisional Managers will be attending.

8. COMMUNITY SERVICES: Draft Domestic and Family Violence Action Plan (late paper)

Mr Dawson Sailor (Head of Community Services) spoke to this paper.

The Committee noted that the current statistics available may only be scratching the surface to the current levels of actual domestic and family violence incidences. The Committee also noted that responsible agencies in the Torres Strait region are neglecting the community on this issue.

RESOLUTION:

Moved: Cr John Levi

Seconded: Cr Keith Fell

The Committee noted that the Draft Domestic and Family Violence Action Plan is due to be presented to the July 2023 Council Meeting.

MOTION CARRIED UNANIMOUSLY

9. HOUSING MATTERS

The Executive Director Engineering Services and the Head of Community Services provided the committee with verbal updates on the following:

- \$13m Regional Rent Arrears
 - tenants to be encouraged onto payment plans
- Regional Housing Strategy
 - consultation to be finalized before the end of 2023
- Abandoned Homes
 - Identified and initial conversation for a resolution through housing consultation
- Blue Phone
 - a workshop with be held on Thursday Island in the w/b 12 June 2023 where discussion on the Blue Phone along with the Housing Investment Plan will be held with key stakeholders
- Healthy Home Program (Badu)
 - 2/3 July 2023 will be the last of the inspections to occur in the current scheduling, with 10-12 houses outstanding for auditing.
 - ED Building Services and the Head of Community Services have been meeting regularly with the Queensland Departments of Health and Housing.
 - Fence replacement requests are now coming through.
 - Final close-out is currently scheduled for December 2023, however there is scope that may happen by 30 September 2023.
 - ED Building Services and Head of Community Services supported proposal for 2 admin traineeships

10. HEALTH MATTERS

The Executive Director Building Services and the Head of Community Services provided the committee with verbal updates on the following:

- Hammond Health Centre
 - the delays around this issue have now been too long

ACTION:

Committee Chair (Cr Keith Fell) to raise the matter with Mayor Mosby and CEO if a letter to the new Health Minister is appropriate considering update from June SARG meeting by Mayor Mosby.

- RN for Ugar
 - still operating on a part-time basis (visits on Tuesdays and Thursdays from the position located on Erub, depending on weather conditions).
- Asbestos concerns within Communities
 - This is a major issue. The ED Building Services and the Chief Executive Officer met with the Department of Environment and Science (funding providers for CHAS). The Department is keen to help fund the closure study and design for Erub and potentially an audit on asbestos across the Torres Strait Islands.
- Major Infrastructures

ACTION:

The following issues to remain as standing items for updates at future Committee meetings until further notice:

- Hammond Health Centre
- RN for Ugar
- Asbestos concerns within Communities
- Major Infrastructures

11. ANIMAL MANAGEMENT MATTERS

The Chairperson requested updates on the following:

- Major ongoing concerns within St Pauls and Badu communities in relation to feral/unfenced horses.
 - fears that people may be hurt by the animals
 - urgent need to address the number of horses - through targeted sterilization programs as a short-term solution, followed up with longer-term solutions
 - numerous attempts have been made to engage with the PBC to negotiate fencing-off arrangements on the Kubin side and the St Pauls PBC have also not responded to numerous requests made by Cr John Levi to also help resolve the issue
 - the Committee recommends the establishment of a working group of relevant community representatives and State Government representatives to advise on a way forward on this issue, including an approach to the State Government for fencing support
 - Head of Community Services and the Manager Environment and Health to discuss further and provide an update at the next Committee meeting
 - Manager Environment and Health to attend future Committee meetings, until advised further, to provide updates on progress in relation to this issue

- Regional Dogs and Cats Issues (feral)
 - TSIRC is not aware of feral cat and dog numbers in the region.
 - Head of Community Services to seek advice from the TSRA in relation to feral animal data or monitoring programs
 - Manager Environment and Health to attend future Committee meetings, until advised further, to provide updates in relation to this issue

ACTION:

Manager Environment and Health to attend future Committee meetings, until advised further, to provide updates on:

- progress in relation to address unfenced/feral horses in the region (Badu, St Pauls and Kubin communities); and
- updates/strategies in relation to feral cats and dogs in the region.

12. SPORTS & RECREATION MATTERS

The Chairperson requested updates on the following:

- Sporting facilities not safe for communities to use
 - Community Services to conduct an audit of sporting facilities in the region, including an assessment of these facilities in relation to WHS issues
 - these facilities need to be in functioning order for communities to address obesity and other health related issues, as well as other community activities
- HLOs - Funding & Hours
no increase to the current hours (20hrs per week), however the initial funding for the position for 12 months has now been increased to 2 years

13. SAFE COMMUNITIES MATTERS

The Executive Director Engineering Services (David Baldwin) joined the meeting at 11.45am to speak to this item.

The Committee was provided an update on efforts to manage and maintain the approximate \$1.5b asset management responsibilities of the TSIRC.

- Water Issues
 - ICCIP program (\$51m)
 - Mix 6 (3 ½ years since that has finished)
 - Water storage on Saibai (\$2m)
 - new water tank on Poruma
 - desalination tank on Mabuiag
 - Nest of tanks
 - Duaun \$2.9m
 - Erub reservoir - \$1.7m
 - Badu - \$700K to fix
 - Other communities (Mabuiag, Yam, Murray, Hammond and Warraber have approximately \$30m of outstanding need)
- MIP7
 - attended a meeting (observer capacity only) with the TSIRC Mayor and GBK.
- Marine
 - will meet with MSQ on 8 June 2023 and will provide an update at the next Council meeting on the outcomes of that meeting.
 - currently the Harbour Master and the District Director of TMR are due to visit Yam and have now visited Kubin, Boigu, Badu and Saibai to look at transport infrastructure. Visits to Erub, Masig and Warraber are also planned.
- Airstrips
 - \$2.9m for Masig next financial year

14. General / Other Business (on notice)

A. HF Radios

Executive Director Engineering Services to provide an update at the next Committee meeting on the operational status of HF Radios across the TSIRC footprint.

ACTION:

Executive Director Engineering Services to provide an update at the next Committee meeting on the operational status of HF Radios throughout the TSIRC footprint.

15. Next Meeting Date: 28 September 2023

The Committee noted the next meeting date of 28 September 2023.

16. Closing Remarks & Prayer

The Chairperson closed the meeting at 12.05pm and Cr John Levi delivered the closing prayer.

Cr Keith Fell
Chairperson
Housing and Safe & Healthy Communities Committee

10 October 2023

RATIFIED AT THE OCTOBER 2023 ORDINARY COUNCIL MEETING.

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

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



Climate Change Adaptation & Environment Committee Meeting

Minutes

Date: 14 September 2023

Time: 10.00am to 12.00nn

Venue: (VC) VMR 8 – 0299 165 402
#Guest PIN 6905

Minutes

TSIRC Climate Change Adaptation & Environment Committee Meeting – 14 September 2023

Page 2 of 4

1. Welcome (Chair)

Prior to commencement of proceedings, the Committee Chairperson, Cr Hilda Mosby, advised attendees that she was unable to speak for too long due to throat soreness and advised that Cr Seriako Dorante had kindly agreed to Chair the meeting.

The Acting Chairperson welcomed Committee Members and TSIRC staff.

2. Opening Prayer

Cr Dorante delivered the opening prayer.

3. Apologies/Attendance

Cr Kabay Tamu was an apology for this meeting.

The following attendances were noted:

Chairperson & Committee Members

Chairperson

Acting Chairperson

Member

Cr Hilda Mosby

Cr Seriako Dorante

Mayor Phillemon Mosby

TSIRC Officers

Executive Director – Engineering Services

TSIRC Secretariat

Mr David Baldwin

Darryl Brooks

The Acting Chairperson and Chairperson Hilda Mosby both thanked the Mayor for his attendance.

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

The Chairperson invited Committee Members to make any relevant conflict of interest declarations. No declarations were made.

5. Confirmation of Draft Minutes of the Committee Meeting held on 27 April 2023

RESOLUTION:

Moved: Cr Hilda Mosby

Seconded: Cr Seriako Dorante

The Committee confirmed the Draft Minutes of the Climate Change Adaptation and Environment Committee Meeting held on 27 April 2023.

MOTION CARRIED

Minutes

TSIRC Climate Change Adaptation & Environment Committee Meeting – 14 September 2023

Page 3 of 4

6. Action Items from Previous Meeting

The Executive Director Engineering Services spoke to this item and advised the Committee that there were no outstanding actions from the previous meeting held on 27 April 2023.

7. Sustainability Project and Initiative Update Report

The Executive Director Engineering Services spoke to this report highlighting key points throughout.

In relation to Item 6 in the report (**Seawalls**), the Executive Director Engineering Services also advised the Committee that a final inspection has been done on Boigu now that the 18 months defects liability period has ended. A few minor defects were identified and a contractor will be addressing these matters over the next few months.

In relation to the recent Torres Strait Climate Centre of Excellence matters, the 3rd Steering Committee Roundtable was held in Cairns on 8 September 2023. One of the outcomes from that meeting was in-principle agreement to funding **Climate Warriors** (DCCEEW enters an arrangement with the TSRA to fund the Centre and Warrior program to be delivered by councils and PBCs on ground). Already identified that TSRA would have 4.5FTE positions based on Thursday Island to coordinate Climate Warrior engagement.

The Committee noted the report.

8. General / Other Business (on notice)

- *The Committee agreed to a request from the Executive Director Engineering Services to table a late report for consideration by the Committee.*

8.1 CHAS Naming and Public Exhibition

RESOLUTION:

Moved: Cr Seriako Dorante

Seconded: Cr Hilda Mosby

The Committee resolves to support a formal 28-day public review/consultation period for the Coastal Hazard Adaptation Strategy (CHAS) and to make the document publicly available following the consultation period, subject to full Council endorsement.

MOTION CARRIED

- *The Committee considered a number of options for naming the report, including:*

- *Zenadth Kes Coastal Hazard Adaptation Strategy; or*
- *Zenadth Kes Coastal Hazard Adaptation Strategy (Torres Strait Island Regional Council)*

Minutes

TSIRC Climate Change Adaptation & Environment Committee Meeting – 14 September 2023

Page 4 of 4

8.2 Climate Change Priorities for TSIRC

Mayor Phillemon Mosby made a general request to the Executive Director Engineering Services to identify two key/priority/risk concerns that the Committee and Council may need to be aware of.

The Executive Director Engineering Services responded by saying that, in relation to the Committee's Terms of Reference, his main concerns relate to:

(a) Waste Management / Land Fills

(b) Rising Sea Levels for low-lying Islands / Water Security

The Mayor also noted that strategic planning to combat these issues was needed. The Executive Director Engineering Services noted that initiatives such as the CHAS report are instrumental in documenting and highlighting these issues. The Committee agreed that the CHAS report should be a 'living document' that can be adjusted as issues rise.

9. Next Meeting Date: TBC

The Committee requested the Secretariat to select an alternative date out of session for the next meeting of the Committee, possibly 30 November 2023.

10. Closing Remarks & Prayer

The Acting Chairperson thanked all attendees for their participation - particularly Mayor Mosby - and also thanked Chairperson Mosby for the opportunity to Chair the meeting, before formally closing the meeting at 11.40am.

Mayor Phillemon Mosby delivered the closing prayer.

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

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



Housing and Safe & Healthy Communities Committee Meeting

Minutes

Date: 10 October 2023

Time: 10.00am to 12.00nn

Venue: (VC) VMR 8 – 0299 165 402
Guest PIN - 6905#

1. Welcome & Quorum Confirmation (Chair)

Cr Keith Fell confirmed that all Committee Members were present and opened the meeting at 10.10am by welcoming Committee Members and TSIRC staff. The Chairperson also gave respectful acknowledgements to all traditional custodians across the nation and, particularly, throughout the length and breadth of Zenadth Kes.

2. Opening Prayer

Cr John Levi provided the opening prayer.

3. Attendance / Apologies

The following participants were in attendance:

Committee Members

Chairperson

Cr Keith Fell

Member

Cr Francis Pearson

Member

Cr John Levi – *by telephone dial-in*

TSIRC Officers

Executive Director - Community Services

Mr Dawson Sailor

Executive Director – Engineering Services

Mr David Baldwin

TSIRC Secretariat

Mr Darryl Brooks

Deputations

James Cook University, Healthy Ageing Research Team

Dr Eddie Strivens & Mr Torres Webb

CSIRO, Torres Strait Health & Biosecurity Mosquito Project

Dr Brendan Trewin & Mr Torres Webb

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

No declarations were made by Members. The Chairperson requested that members be mindful throughout the course of the meeting to make any relevant conflict of interest declarations known as soon as possible, should any arise.

5. Confirmation of Draft Minutes of the HSHC Committee Meeting held on 8 June 2023

RESOLUTION:

Moved: Cr John Levi

Seconded: Cr Francis Pearson

The Committee confirms the Minutes of the HSHC Committee Meeting held on 8 June 2023 (with minor amendments) as a true and correct record.

MOTION CARRIED UNANIMOUSLY

6. Action Items from Previous Meeting

The Committee noted the verbal update provided by the Executive Director Community Services on the status of action items from the June 2023 meeting, as well as for outstanding actions from previous meetings.

ACTION:

Executive Director Community Services to provide an update for the Committee out of session in relation to the blue phone review project (refer AI 6 from the February 2023 Committee Meeting), preferably through a Teams Meeting over the coming weeks also attended by the Executive Director Building Services and the Queensland Department of Housing (Ms Jacinta Mckewen).

7. COMMUNITY SERVICES: “Deadly for Diabetes” (verbal update)

The Executive Director Community Services advised the Committee that the “Deadly for Diabetes” deputation to the September 2023 Council was well-received and that Council was keen to progress the program, subject to supportive advice from this Committee.

A request for expressions of interest to trial the program has now been made across all Divisions, with Poruma and Ugar indicating a willingness to participate at this stage (and possibly three other Divisions are close to confirming).

Funding to roll out the trials is currently being sourced from relevant Health funding bodies and the Executive Director Community Services is now working on an implementation plan for the roll out, once funding is secured.

At the conclusion of the trials, this Committee will be in a position to submit relevant advice and recommendations to the Council.

8. ENGINEERING SERVICES: HF Radios

The Executive Director Engineering Services provided the Committee with the following verbal update:

- this week Austech is travelling to just about every Division to undertake testing of the HF Radios, as well as doing some work on the water and waste watch lavatory system. At this stage nearly all Divisions (Saibai, Kubin, Hammond, St Pauls, Boigu, Dauan, Iama, Warraber, Mabuiag, Badu, Poruma, Erub and Mer) are listed for inspection
- the inspections will cover testing and any minor repairs (as well as providing quotes for any minor repairs that cannot be attended to on the visit) and sending back to Cairns those that need more complex repairs. It is anticipated that tuners may be a problem, or inadequately trained staff to operate the system on ground.

The HF Radios are actually designed for long-range communications (i.e. Mabuiag to Thursday Island/Cairns/Edmonton) and not necessarily suitable for Island to Island communications.

The Information Reports provided for each Council meeting will include further updates in relation to this issue, including ongoing updates on the outcomes from the current work being undertaken by Austech.

The Chairperson requested that the Executive Director Engineering Services and the Executive Director Community Services ensure that adequate training be provided to officers responsible for the use of the HF Radio network, possibly widening the training to as many staff on ground as possible.

9. STANDING AGENDA ITEM – HEALTH MATTERS

The Executive Director Community Services provided the Committee with the following verbal update:

- Hammond Island Health Centre

- Ongoing issue
- RN for Ugar
 - Resident Nurse now on Ugar (approximately since September 2023)
- Asbestos concerns within Communities
 - Ongoing issue. Matter not discussed.
- Major Infrastructures
 - Executive Director Community Services will need further clarification on which major infrastructures the Committee has in mind

10. STANDING AGENDA ITEM – ANIMAL MANAGEMENT MATTERS

- Unfenced/feral horses (St Pauls/Kubin Communities and Badu)
- Animal Management – Feral Dogs and Cats

➤ *The Environment and Health team were not in attendance to update the Committee on this standing agenda item.*

The Committee requested an update on a recent incident involving a horse gaining access to the airport tarmac at Kubin.

The Executive Director Community Services was able to confirm the incident. The Executive Director Engineering Services advised the Committee that the Operations Engineering Supervisor on Kubin (Robert See Kee) has advised that safety measures have now been put in place. However, there is no guarantee that similar incidents will not occur again in future.

The Executive Director Community Services advised that funds are currently not available to develop an effective and expedient solution to the issue of the feral horses. An appropriate level of funding will be required and development of options prior to full consultation with affected communities so that those communities are fully informed and are on board with any proposal, particularly around any proposed culling program.

The Committee requested that relevant data (including any incident reports) be put together by the Environment and Health team as a matter of urgency so that funding agencies can be effectively approached to provide the required funds as soon as possible to prevent any serious accidents, as the numbers of feral horses continues to grow out of control.

The Committee also requested that as many alternatives as possible be explored around resolving this issue (including involvement of the RSPCA, the Australian Defence Force, etc.).

ACTION:

1. Executive Director Engineering Services to ensure that an advisory message be sent to Cr Trinkoon indicating that appropriate safety measures are now in place following the incident (copied also to the HSHC Committee).
2. Executive Director Community Services to task the Environment and Health team to collect relevant data (including any incident reports) as a matter of urgency so that funding agencies can be effectively approached to provide the required funding as soon as possible to:
 - (a) undertake a proper and full consultation process with effected communities so that those communities are fully informed and are on board with any proposal, particularly around any proposed culling program; and
 - (b) undertake an eradication program, when required.

3. Executive Director Community Services to task the Environment and Health team to explore as many alternatives as possible around this issue (including involvement of the RSPCA, the Australian Defence Force, etc.).
4. Executive Director Community Services to provide the Committee with an update out of session prior to the next Committee meeting.

11. DEPUTATION: JCU Healthy Ageing Research Team

The Chairperson welcomed Professor (Dr) Edward Strivens and Mr Torres Webb from the Healthy Ageing Research Team (HART) at James Cook University (Cairns). Dr Strivens provided the Committee with an update on some of the current and upcoming HART projects, including:

Current Projects

- Healthy Ageing in the Torres Strait
 - aiming to develop a quality framework of best practice screening and assessment with a toolbox of resources to support healthy ageing that can be implemented at the community and primary health level in Torres Strait communities
- Social and Emotional Wellbeing Tools for the Torres Strait
 - aiming to develop more culturally appropriate screening tool for use in primary care centres across the Torres Strait

Upcoming Projects

- Strong Community, Strong Health: codesigning chronic disease prevention in the Torres Strait
 - aiming to develop tools for health professionals to support diet and physical activity
- Good Spirit Good Life in the Torres Strait
 - a study aimed at developing a quality of life tool specifically for older Torres Strait Islander people
- Caregiver Experience
 - a study to explore the experience of caregivers living in the Torres Strait, aiming to identify what works well and what supports are needed for carers
- Dementia Prevalence Follow-up Study
 - this study will follow up on a group of people who completed a health check (including memory and thinking) between 2015-18 to review participants and to help in understanding what keeps people healthy in body and mind as they age.

The Committee noted the presentation and thanked Dr Strivens for his attendance and presentation.

ACTION:

Executive Director Community Services to have further discussions out of session with the Healthy Ageing Research Team (HART) at James Cook University (Cairns) to brief the Team on progress in relation to TSIRC's Community Health Action Plan which is being developed with Queensland Health (Torres and Cape Health sectors on ground) with a view to streamlining approaches.

12. DEPUTATION: CSIRO (Torres Strait Health and Biosecurity Mosquito Project)

The Chairperson welcomed Dr Brendan Trewin and Mr Torres Webb to the meeting. Dr Trewin provided the Committee with an update on the CSIRO's Invasive Mosquito Elimination Program, including:

- latest initiatives to combat the Asian tiger mosquito (*Aedes albopictus*) and the Yellow fever mosquito (*Aedes aegypti*) which are responsible for the spread of dengue fever and are present in the Torres Strait.
- need to monitor more closely human movement, particularly from Papua New Guinea into the Torres Strait.
- development of new technologies to combat invasive mosquitoes
- the CSIRO prefers the utilisation of the 'self limiting mosquito system' (only non-biting sterile male mosquitoes are released) as this solution is effective on both species, has commercial potential and can be rolled out right across the region and throughout the Pacific
- a roadshow will be held in November 2023 and the TSIRC is invited to participate and meet the technology provider Oxitec (further details to be provided out of session)
- the technology provider will be in Cairns around 7-8 November 2023
- the technology does involve genetic engineering, so very strict regulatory requirements must be met before approval is given by the Australian Government
- support of the community is essential, particularly in relation to selecting field sites for the trial
- will need assistance from Council's Environmental Health workers on the project, including working in partnership with biosecurity on ground
- GBK will assist in facilitating community conversations on the project

The Chairperson suggested that potential sites such as Mer, Ugar, Masig and Dauan, Boigu and Saibai be approached to participate.

The Chairperson also recommended that outreach be undertaken with Papua New Guinea Treaty villagers to educate them in relation to the two mosquito species. Another concern is improper monitoring of the health status of Treaty visitors to the Torres Strait.

The Chairperson thanked the CSIRO for its important work in this field and extended the Committee's eagerness to work with the CSIRO on this initiative.

ACTION:

Chairperson to alert the next Council meeting (October 2023) about the need for tighter monitoring of the health status of Treaty visitors to the Torres Strait in the context of combating the spread of dengue and other potential diseases such as Yellow fever, Chikungunya and Zika.

13. General / Other Business (on notice)

No other matters discussed.

14. Next Meeting Date: 30 November 2023

The Committee noted the next meeting date of 30 November 2023.

15. Closing Remarks & Prayer

The Chairperson closed the meeting at 12.20pm and Cr Francis Pearson delivered the closing prayer.

Cr Keith Fell
Chairperson
Housing and Safe & Healthy Communities Committee

10 October 2023

RATIFIED AT THE OCTOBER 2023 ORDINARY COUNCIL MEETING.

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

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



Governance & Leadership Committee Meeting

Minutes

Date: 18 October 2023

Time: 10.00am to 12.00nn

Venue: (VC) VMR 8 – 0299 165 402
Guest PIN - 6905#

1. Welcome & Quorum Confirmation (Chair)

Mayor Phillemon Mosby and Cr Lama Trinkoon were the only two members of the Governance and Leadership Committee who were able to attend this meeting. Cr Trinkoon invited the Mayor to Chair the meeting.

Mayor Mosby thanked Cr Trinkoon for his attendance and formally opened the meeting at 10.05am and welcomed staff.

2. Opening Prayer

The Mayor provided the opening prayer.

3. Attendance / Apologies

The following participants were in attendance:

Committee Members

Member
Member

Mayor Phillemon Mosby
Cr Lama Trinkoon

TSIRC Officers

Chief Executive Officer
Senior Legal Officer
TSIRC Secretariat

Mr James William
Ms Julia Mauro
Mr Darryl Brooks

Cr Getano Lui (Jnr) AM was an apology for medical reasons and Cr Dimas Toby was an apology due to a family emergency.

RESOLUTION:

Moved: Cr Lama Trinkoon

Seconded: Mayor Phillemon Mosby

That the Committee accepts the apologies of Cr Getano Lui (Jnr) AM and Cr Dimas Toby for this meeting.

CARRIED

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

No declarations were made by Members.

5. Noting of Ratified Minutes of the Governance and Leadership Committee Meeting held on 22 June 2022

The Committee noted that the Minutes of the Governance and Leadership Committee Meeting held on 22 June 2022 were ratified at the Council Ordinary Meeting held on 28-29 June 2022. There were no actions arising from the previous meeting.

6. Delegations Update

The Senior Legal Officer (Ms Julia Mauro) spoke to this item, presenting the Committee with an overview of the Council powers that are delegated to the Chief Executive Officer. An update of Instruments of Delegations must occur regularly (at least annually) to ensure TSIRC's powers are being exercised according to law. The overview provided by Ms Mauro covered:

- updates to existing delegations;
- annual confirmation of existing delegations; and
- powers not to be delegated.

The Committee noted the overview provided by Ms Mauro and made the following three recommendations:

RESOLUTION:

Moved: Cr Lama Trinkoon

Seconded: Mayor Phillemon Mosby

1. Updates to existing delegations:

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

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

CARRIED

RESOLUTION:

Moved: Cr Lama Trinkoon

Seconded: Mayor Phillemon Mosby

2. Annual confirmation of existing delegations:

That the Committee recommend to Council (and the Trustee, as indicated) that under section 257 of the *Local Government Act 2009*, Council renew its delegation to the Chief Executive Officer to exercise powers under the following statutory instruments and these powers must be exercised subject to the consolidated “Schedule 2 Standard Limitations to the Exercise of Power” contained in Attachment 12 of the Committee’s briefing report:

Statutory Instrument:	The powers delegated are contained in Schedule 1 of the Instrument of Delegation attached to the briefing report as:
Aboriginal Cultural Heritage Act 2003 (ACHA)	Attachment 13
Acquisition of Land Act 1967 (ACLA)	Attachment 14
Animal Care & Protection Act 2001 (ACPA)	Attachment 15
Animal Management (Cats and Dogs) Act 2008 (AMCD)	Attachment 16
Biosecurity Act 2014 (BIOA)	Attachment 17
Building Act 1975 (BUIA)	Attachment 18
Building Regulation 2021 (BUIR)	Attachment 19
Coastal Protection and Management Act 1995 (CPMA)	Attachment 20
Disaster Management Act 2003 (DIMA)	Attachment 21
Disaster Management Regulation 2014 (DIMR)	Attachment 22
Environmental Protection Act 1994 (ENPA)	Attachment 23
Environmental Protection Regulation 2019 (ENPR)	Attachment 24
Environment Protection (Water) Policy 2019 (EPWP)	Attachment 25
Fire and Emergency Services Act 1990 (FESA)	Attachment 26
Food Act 2006 (FOOA)	Attachment 27
Housing Act 2003 (HOUA)	Attachment 28
Housing Regulation 2003 (HOUR)	Attachment 29
Information Privacy Act 2009 (INPA)	Attachment 30
Land Regulation 2020 (LANR)	Attachment 31
Land Title Act 1994 (LATA) <i>*Trustee resolution also required</i>	Attachment 32
Liquor Act 1992 (LIQA)	Attachment 33
Local Government Act 2009 (LOGA)	Attachment 34
Local Government Regulation 2012 (LOGR)	Attachment 35
Mineral Resources Act 1989 (MIRA) <i>*Trustee resolution also required</i>	Attachment 36
Public Health (Infection Control for Personal Appearance Services) Act 2003 (PHIC)	Attachment 37
Public Interest Disclosure Act 2010 (PIDA)	Attachment 38
Planning Act 2016 (PLAA)	Attachment 39
Planning Regulation 2017 (PLAR)	Attachment 40
Plumbing and Drainage Act 2002 (PLDA)	Attachment 41
Plumbing and Drainage Act 2018 (PLDA)	Attachment 42
Public Health Regulation 2018 (PUHR)	Attachment 43
Public Records Act 2002 (PURA)	Attachment 44
Queensland Heritage Act 1992 (QUHA)	Attachment 45

Right to Information Act 2009 (RTIA)	Attachment 46
Standard Plumbing and Drainage Regulation 2003 (SPDR)	Attachment 47
Transport Operations (Road Use Management) 1995 (TORA)	Attachment 48
Tobacco and Other Smoking Products Act 1998 (TOSP)	Attachment 49
Transport Infrastructure Act 1994 (TRIA)	Attachment 50
Water Act 2000 (WATA)	Attachment 51
Water Regulation 2016 (WATR)	Attachment 52
Work Health and Safety Act 2011 (WHS)	Attachment 53
Waste Reduction & Recycling Regulation 2011 (WRRR)	Attachment 54
Water Supply (Safety and Reliability) Act 2008 (WSSR)	Attachment 55

CARRIED

RESOLUTION:

Moved: Mayor Phillemon Mosby

Seconded: Cr Lama Trinkoon

3. Powers not delegated

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

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

CARRIED

7. General / Other Business (on notice)

No other matters discussed.

8. Next Meeting Date: 27 November 2023

The Committee noted the next meeting date of 27 November 2023.

9. Closing Remarks & Prayer

The Chairperson closed the meeting at 12.20pm and delivered the closing prayer.

Mayor Phillemon Mosby
Acting Chairperson
Governance and Leadership Committee

18 October 2023

RATIFIED AT THE OCTOBER 2023 ORDINARY COUNCIL MEETING.

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

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

DRAFT



ORDINARY MEETING ACTION ITEMS

Actions Arising from September 2023 Meeting

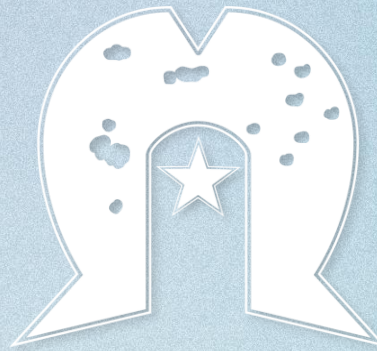
Agenda Item	Action	Action Area	Current Status
Sept 2023 Mtg AI 7 Mayor Report	ED Corporate Services to explore social media options for Councillors to promote TSIRC News.	ED Corporate Services	
Sept 2023 Mtg AI 8 CEO Report	Chief Executive Officer to invite TSIRC Regional Managers to attend the November 2023 Council Workshop.	CEO	
Sept 2023 Mtg AI 9 TSIRC Public Holidays 2024	Chief Executive Officer to submit the final list for 2024 Special Holidays to the Minister for Industrial Relations for approval, gazettal and publishing on the website.	CEO / ED Corporate Services	
Sept 2023 Mtg AI 11 Community Grants Program Allocation	<ol style="list-style-type: none"> ED Corporate Services to review options available to Division 5 (Badu) in relation to future applications under the Community Grants Program for the remainder of the 2023-24 Financial Year. ED Corporate Services to follow-up with Cr Rocky Stephen a Community Grants Program application from Division 13 in relation to a graduation ceremony. 	ED Corporate Services	
September 2023 Mtg	ED Corporate Services to oversee the review and update of the TSIRC Recruitment Policy to include the requirement for criminal history checks for positions that warrant a higher level	ED Corporate Services	

Agenda Item	Action	Action Area	Current Status
AI 16 Auditor-General Observation Report on the Interim Audit for the Y/E 30 June 2023	of vetting as part of the recruitment process.		
Sept 2023 Mtg AI 18 (CB) Appointment of Audit Committee Membership	CEO to prepare a follow-up paper for the October 2023 Council Meeting to reaffirm TSIRC membership on the Audit Committee, including Proxies.	CEO	
Sept 2023 Mtg AI 28 Strategic Matters	<ol style="list-style-type: none"> <u>Culture, Arts, Land and Heritage Committee Membership</u> ED Corporate Services to prepare an agenda paper formalizing the membership of the Culture, Arts, Land and Heritage Committee (including an updated Terms of Reference) for the October 2023 Council meeting. <u>LGAQ Decision on the Masig Statement</u> <ol style="list-style-type: none"> Mayor Mosby to provide Councillors with a copy of the letter from the LGAQ advising that the Masig Statement would not be considered at the upcoming 2023 LGAQ Conference. Mayor Mosby to appeal decision by the Executive of the LGAQ not to allow the Masig Statement motion to be submitted to the upcoming 2023 LGAQ Conference. 	<ol style="list-style-type: none"> ED Corporate Services Mayor Mosby 	
Sept 2023 Mtg AI 32 “Deadly for Diabetes” Deputation	ED Community Services to add item to the agenda of the Housing and Safe and Healthy Communities Committee for further discussion on how TSIRC is to engage the program.	ED Community Services	

Agenda Item	Action	Action Area	Current Status
Sept 2023 Mtg AI 34 QPS Deputations	<ol style="list-style-type: none"> Domestic Violence Commission of Inquiry Recommendations for the Torres Strait Island Communities ED Community Services to provide QPS a copy of the TSIRC's Domestic Violence Action Plan for information. Torres Strait Patrol Group, QPS Chief Executive Officer to consider scheduling a live demonstration by QPS of the latest body worn camera technology at the November 2023 Council Workshop if time permitted 	<ol style="list-style-type: none"> ED Community Services Chief Executive Officer 	
Aug 2023 Mtg AI 8 Action Items from Previous Meetings	<p><u>(Refer also AI 34 of July 2023 Meeting – Garbage/Waste Collection Vehicle for Moa):</u></p> <ol style="list-style-type: none"> Chief Executive Officer will obtain an update via Executive Director Engineering, regarding "Safety – Manual Handling" training. Executive Director Engineering and Acting Executive Director Corporate Services, in conjunction with the TSIRC Workplace Health and Safety Coordinator, to expedite interim safety procedures until a long-term solution can be arranged. 	ED Engineering Services / ED Corporate Services (WHS Coordinator)	In progress. Priority being made for an interim replacement vehicle for Moa, followed by the delivery of donated fleet from the Gold Coast Regional Council.
Aug 2023 Mtg AI 10 CEO Report	Chief Executive Officer to circulate his report to Councillors.	Chief Executive Officer	To be completed ASAP.
Aug 2023 Mtg AI 11 Building Services Update	Executive Director Building Services to provide Council with regular (quarterly) reports tracking progress in relation to expenditure around the Capital Housing Program, including delivery of the Capital Works program.	ED Building Services	Completed (to be featured in future reports to Council).
Aug 2023 Mtg AI 13	Chief Executive Officer to expedite the taking of the declaration of the appointee in order to ensure that the successful candidate is in attendance at the September 2023 Council Meeting on Saibai in an	ED Corporate Services	Completed. Formal declaration planned prior to

Agenda Item	Action	Action Area	Current Status
Filling of Councillor Vacancy – Division 5 (Badu)	official capacity.		commencement of September 2023 Trustee Meeting on Saibai.
Aug 2023 Mtg AI 16 Funding Acquisition Report	Future Funding Acquisition Reports to include tracking of YTD grant application and acquisition comparisons against previous years.	ED Corporate Services	Completed. Featured in current report to September 2023 Council meeting.
Aug 2023 Mtg AI 22 (CB) Ongoing Council Litigation	Chief Executive Officer to keep Council informed on how this matter progresses.	Chief Executive Officer	Ongoing. Verbal update to be provided at the September 2023 Council meeting.
AI 23 (CB) Rectification Works on Badu Community Jetty through Marine Safety Queensland	Chief Executive Officer to invite the Queensland Minister for Transport and Main Roads and Minister for Digital Services to the November 2023 Council Workshop.	Chief Executive Officer	Ongoing.
July 23 Mtg AI 34 General Matters	(3) Feral Horses – Kubin and St Pauls Executive Director Community Services to draft correspondence to the Torres Strait Regional Authority (TSRA) to undertake a culling program of the feral horses on Kubin and St Pauls as they are a safety hazard.	ED Community Services	In progress. DES consultation has commenced. This issue is also now a standing agenda

Agenda Item	Action	Action Area	Current Status
			item on the HSHC Committee.
	(6) House Fire in Kubin Community Executive Director Community Services will update Cr Lama Trinkoon out of session.	ED Community Services	In progress. ED Building Services provided an update to Cr Trinkoon on 18 September 2023.
	(7) Fuel Depot upgrade/repair for the ageing fuel infrastructure on Arkai Executive Director Engineering Services to explore short-term/long-term solutions.	ED Engineering Services	In progress.
	(8) Asset Condition Report Acting Executive Director Corporate Services to prepare relevant correspondence to the TSRA around costings before the November 2023 TSRA Board Meeting (discuss with Cr Rocky Stephen prior to submission).	ED Corporate Services/ED Engineering Services	Undertake the Asset Condition Report similar to how the Marine Assets Audit was undertaken.
	(9) Hammond Island Ferry Service Acting Executive Director Corporate Services to draft correspondence to Chief Executive Officer TSRA requesting funding for a feasibility study for the Hammond Island Ferry Service.	ED Corporate Services	Refer AI 21 of August 2023 Council Meeting (closed business).
	(10) Alternative Location for Helicopter Landings on Oval at St. Paul's Executive Director Community Services to investigate a more suitable area for the Helipad on Wug that would not interfere (noise and distribution of dust and debris) with local school and surrounding houses.	ED Community Services	Ongoing. Currently working with PBC to identify an alternative site.



Torres Strait Island
REGIONAL COUNCIL

Mayors Report October 2023



TORRES STRAIT ISLAND REGIONAL COUNCIL AGENDA REPORT

ORDINARY MEETING: October 2023

DATE: 24 – 25 Octoberer 2023

ITEM: Agenda Item for Resolution by Council

SUBJECT: Mayor Report – October 2023

AUTHOR: Mayor Mosby

Recommendation:

That the Mayor's Report be noted.

Executive Summary:

The Mayor's monthly report summarises key operational activities undertaken since the previous Council meeting, including any key media activities.

This report has been tabled for noting.

A handwritten signature in black ink, appearing to read 'Phillemon Mosby'.

Cr Phillemon Mosby
Mayor
Torres Strait Island Regional Council

Key Correspondence Received	<ul style="list-style-type: none"> • ToRCH letters – independent commission of inquiry • Joint Leaders Letter – Ministerial committee • Joint Media Yes • Joint Media No 	20 th September 16 th October 16 th October 16 th October
Key Correspondence Sent		
Ministerial Meetings	<ul style="list-style-type: none"> • Meeting with Leader of the Opposition, Shadow Minister David Crisafulli TSC, TSIRC Mayor (apologies) • Minister Fentiaman – TSC Mayor, TSIRC Mayor (apologies) TSRA Chair • TEAMS MEETING Premier, Minister Fentiman and Ms Cynthia Lui MP, Member for Cook to meet with Torres Strait Leaders Delegation TSIRCMayor (Apologies) 	10 th October
Media		





11 October 2023

The Honourable Annastacia Palaszczuk MP
Premier
By email transmission: the.premier@premiers.qld.gov.au

The Honourable Shannon Fentiman MP
Minister for Health, Mental Health and Ambulance Services and Ministerial Champion
By email transmission: health@ministerial.qld.gov.au

cc: Cynthia Lui, Member for Cook
cook@parliament.qld.gov.au

cc Mr David Crisafulli
Leader of the Opposition
leader@opposition.qld.gov.au

Dear Premier and Minister for Health,

Re: Ministerial Committee

Thank you for meeting with the leaders of the Torres Strait yesterday and for the commitments you made during our meeting. We confirm that we very much look forward to the convening of the first Ministerial Committee regarding Health care comprised of the Minister for Health, the Mayors of Torres Shire and the Torres Strait Island Regional Council and the Chair of TSRA, along with potentially the Minister for Health (Cth) (or Senator Nita Green as his delegate) and the Member for Cook, Cynthia Lui. Because of your agreement to this approach, the Leaders will meet at an agreed time and frequency in Cairns and hence will vacate the membership of the Torres and Cape Joint Ministerial and Community Taskforce, which will be operationally focussed.

At the meeting we sought necessary changes to the way in which health care is administered and delivered and we thank you for your commitment to reinstating the Torres Model of Care. Further we acknowledge your agreement to the proposed standing items for the Ministerial Committee including the TORCH.

We are mindful that local governments will go into caretaker in early 2024 and seek that at least 3 meetings are convened of the Ministerial Committee before this caretaker period begins. We look forward to your advice of possible dates and times for the Ministerial Committee meetings.

1

We look forward to our ongoing and productive collaboration.

Yours faithfully,

Mayor Yen Loban
Torres Shire Council

Mayor Philemon Mosby
Torres Strait Island Regional Council

Chair Napau Pedro Stephen AM
Torres Strait Regional Authority



14 October 2023

JOINT MEDIA STATEMENT

THE REFERENDUM ON THE VOICE FAILS TO ACHIEVE DOUBLE MAJORITY

Forty-four referendums have been put to the Australian people and only eight have been successful, the last of these was in 1977 when three out of four questions were passed. The last referendum, on the Republic, was in 1999 and was defeated. Today the Australian people again defeated the Referendum.

'Today, I wish to thank all those people around Australia and in the communities of our region who voted for constitutional recognition and a constitutional voice to parliament and Executive Government. Yet again it has proven to be the case that Referenda in Australia are extraordinarily difficult to achieve a yes vote. But this will not be the end of it. I can't hide the fact that I am terribly disappointed, but we are a proud and dignified people, and we will fight on because what drove us to support the Voice Referendum has not changed. We want future generations to prosper. We want them to have long and productive lives. To not die young and for those who survive into middle age, to not on average die younger than non-indigenous people, especially from preventable diseases', Mayor Loban said. 'We want to close the gap of disadvantage and to that end we are delighted that the Queensland Statistician has recently agreed with Council's proposal to publish a report card on 23rd August of each year (the Anniversary of the first Islanders Conference at Masig Island) comparing our region to the rest of Queensland.

'This result whilst deeply disappointing should not be seen as a rejection, although it is natural that we feel that today. It should be seen for what it is. If major parties fail to support the proposition nationally and throughout Australia, a Referendum cannot succeed. Today is not the end but the beginning. State building and region building does not end today. State building and region building begins today. As part of the Masig Statement, we can continue to progress our ambition for regional autonomy and ensure that the Masig Statement informs our path to Treaty'. Mayor Mosby said. 'Let us work together to make sure that we deliver a real difference to the lives of our people and to the lives of future generations', Mayor Mosby concluded.

Napau Pedro Stephen AM, Chair of the Torres Strait Regional Authority remarked, 'The results today are a disappointment but as the other leaders have said, it simply means that we are even more firm in our resolve. We must be focussed on what really matters, like making sure we stop preventable deaths in our communities. We must come up with solutions that work – on the ground and designed by Aboriginal and Torres Strait Islander peoples and we must do this as a matter of urgency. We must close the gap. Despite today's results, together we can begin the unfinished business of establishing a Regional Assembly consistent with the Report of the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs on Greater Autonomy for Torres Strait Islanders', concluded Chair Stephen.

No referendum has been supported by the Australian people since 1977.

End Media Release

Authorised by:

Mayor Yen Loban
Torres Shire Council

Mayor Philemon Mosby
Torres Strait Island Regional Council

Chair Napau Pedro Stephen AM
Torres Strait Regional Authority

Media contact:
CEO Dalassa Yorkston



14 October 2023

JOINT MEDIA STATEMENT

AND THE RESULT IS YES...HISTORY IN THE MAKING

The Australian people have embraced the Uluru Statement from the Heart and voted "YES" to constitutional recognition and a constitutional voice to parliament and Executive Government at today's October 2023 National Referendum. The Voice is an independent representative body selected by Aboriginal and Torres Strait Islander peoples based on the wishes of local communities throughout Australia.

'Firstly, I want to say thank you to the community and the Australian people for delivering this important and positive outcome. We can now walk together in the spirit of solidarity. Now the serious work of nation building, state building and region building begins. Now we must ensure we work hard to close the gap and turn indigenous disadvantage and non-indigenous privilege on its head', said Cr. Yen Loban, Mayor of Torres Shire Council. 'Creating a bright future for the next generations to prosper is within reach and it is down to all of us to make sure it happens', Mayor Loban commented today.

Mayor Philemon Mosby, Mayor of Torres Strait Island Regional Council said, "We are so grateful to have this positive result – a "YES" by the Australian people. All the mayors and councils of our region publicly supported the YES case. I am particularly happy that we can now progress the aspirations of the Masig Statement, including regional autonomy, as well as the path to Treaty". Mayor Mosby said. "On this occasion, I am thinking of our forebears, giants of our communities who loom large on such a day and on whose shoulders we stand. This is a proud moment for Aboriginal and Torres Strait Islander peoples – one a long time in the making. Let us work together to make sure that it delivers a real difference to the lives of our people and to the lives of future generations", Mayor Mosby concluded.

'Truth telling and Treaty will bring all the aspirations of the Uluru Statement of the Heart and the Masig Statement from the Deep together', observed Napau Pedro Stephen AM, Chair of the Torres Strait Regional Authority. 'But first, we must get down to the serious business of ensuring that once the parliament has decided the composition and functioning of the Voice, we commit to making it a proactive and successful representative body that delivers through Parliament and Executive Government vastly improved results on the ground for Aboriginal and Torres Strait Islander peoples in a very short time', concluded Chair Stephen.

This is the only Referendum that has been supported by the Australian people since 1977 when many who voted today were not even born. The last referendum in Australia was in 1999 with the ill-fated Republic referendum. Today's results are history making.

End Media Release

End Media Release

Authorised by:

Mayor Yen Loban
Torres Shire Council

Mayor Philemon Mosby
Torres Strait Island Regional Council

Chair Napau Pedro Stephen AM
Torres Strait Regional Authority

Media contact:
CEO Dalassa Yorkston

Tuesday 26th September 2023
QPS Engagement | Thursday Island
Topic: PLO Body Cameras demonstration



Wednesday 26th September 2023
Appointment with Minister Leanne Enoch | Torres Shire Council
Topic:



Wednesday 27th September 2023

Opening of Office of the Commissioner Meriba Omasker Kaziw Kazipa |
Thursday Island

Topic: attendance by Regional leaders, Minister Leanne Enoch MP,
MOKK Advisory Committee, Kaurareg representative, and community
members.



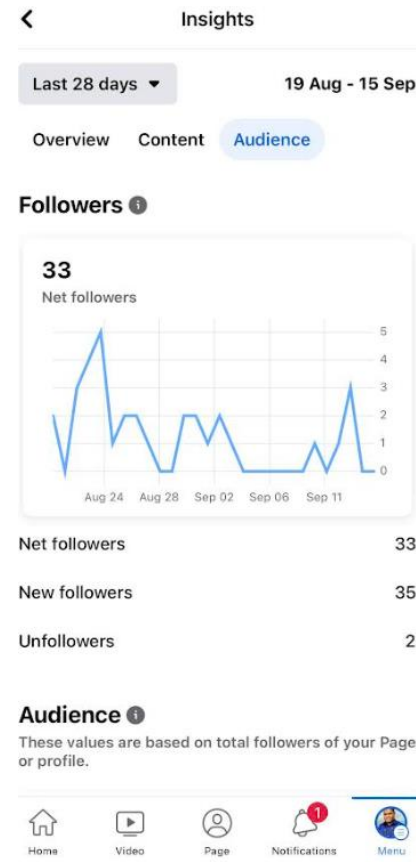
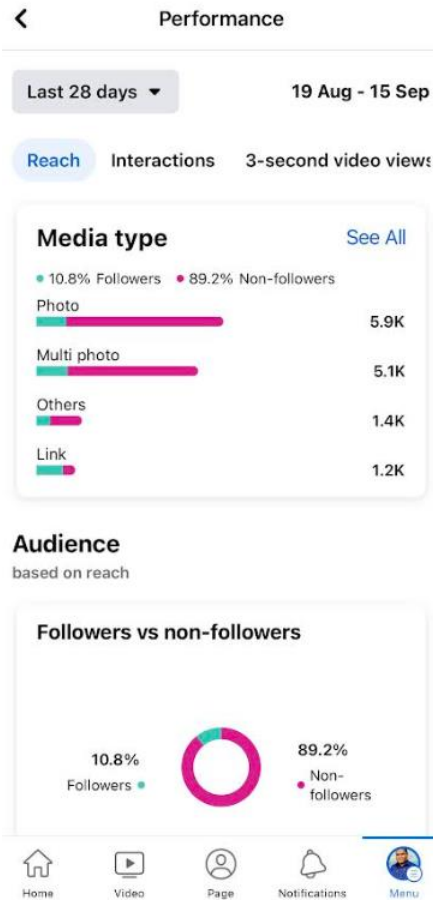
Monday 9th October 2023

Referendum voting

Topic: Recognition of Australians First Nation People (Aboriginal
and Torres Strait Islander) in the constitution.



Mayors' Facebook Page Activity 19 Aug – 15 Sept 2023





TORRES STRAIT ISLAND REGIONAL COUNCIL AGENDA REPORT

ORDINARY MEETING:	October 2023
DATE:	24/25 October 2023
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Chief Executive Officer Report – October 2023
AUTHOR:	James William, Chief Executive Officer

Recommendation:

That Council notes the Chief Executive Officer Report for October 2023.

Executive Summary:

The Chief Executive Officer's monthly report summarises key operational activities undertaken since the previous Council meeting, including any key media activities.

Comment:

1. Highlights

In this month of October 2023, we are continuing our focus on re-establishing the corporate services function including resolving the recruitment process for the Executive Director, Corporate Services, and commencement date of 30 October 2023 for the new Manager of People and Well-being.

Oversight and management support to the key functional areas of the organisation through each executive has continued coupled with further efforts in strategic projects including fuel and freight and renewable energy supply. Cost of living pressures continue to impose significant constraints on residents of our communities in these key areas of domestic spend.

Prescribed Body Corporate issues on Badu relating to TSIRC's social housing leasing regime and road construction project continue to highlight concerns in relation to DOGIT transfer issues that will have significant cost implications to council. Meeting with PBC representatives on Badu this month highlighted the challenges in finding a common ground and achieving a speedy resolution to concerns raised by PBC representatives. We are continuing our efforts to better understand how these issues are impacting on ground implementation of services and projects.

Other matters are on-going including finalising contract negotiation with Sea Swift and the maritime fees litigation.

2. Media Coverage

NIL

3. Building Services

Highlights

- Head of BSU: Proposed commencement of 6 November currently finalising relevant checks
- BSU Workshop: Completed week of 26 September – positive feedback of structure and streamlining processes.
- Priority Works through R&M no longer quoted – threshold raised from \$5k - \$50k Stoves, Hot Water Services, OT DISMODS (Occupational Therapy – Disability Modifications)
- Healthy Homes, Badu: Stage 2 has been approved. All stakeholders to complete Lessons Learnt from Stage 1

Key focus areas for the month ahead:

- Work with Funding Partners to resolve freight issues.
- Reviewing Aged Quotes to resolve approvals with QBUILD and CHDE
- Seek Council Resolution for First Round of Priorities
- Finalise plans and costs for November Workshop presentation.

4. Community Services

Highlights:

- Housing: 2 successful QCAT claims for abandoned properties
- Deliver Saibai Ordinary Meeting
- New agreements for Helicopter Subsidies (Dauan and Saibai)
- Support for the Yes! 2023 Campaign
- Partnership with Qld Health on 1st Community Health Action Plan

Key focus areas for the month ahead:

- Commence negotiation of contract for consultant to undertake Local Housing Plan work.
- Planning for Poruma Seawall Project
- Health Action Plan - Review report from Poruma consult and determine a way forward with the Consultant. Also, considerations for the 2nd Division for pilot (Mer is no longer an option at this stage).
- Funding advocacy to roll out Deadly Diabetes program.

5. Corporate Services

Key matters arising in Corporate Services since our last meeting:

- Engaging actively with Peak Services to identify and secure grant funding on a range of matters. Need to approach TSRA re securing commitment letter in advance of Growing Region funding round opening early 2024. Our submission is ready – we just need TSRA commitment letter re cash co-contribution.
- Grants available to Community Groups now being promoted in communities and on the website. Different to Council Community Grants but provides information to community groups as funding that they may apply for their projects/communities.
- Risk refresh completed by Andrew Clarkson and next phase of improving risk environment to commence shortly. Starting point is adoption of a new Risk Management policy to be considered later in this meeting.
- Mirabou Heads of Agreement signed and a governance committee to oversee progress being established.

- Garbage trucks donated from Gold Coast City Council should start to arrive within a couple of weeks. 2 initially and then the second tranche will be 4. Once in Cairns they will need to be rust proofed and then transported to communities.
- Senior legal officer on leave for six weeks. Julian Bodenmann, a partner from Preston Law, will again provide legal coverage with admin support by Cathy David
- Active recruitment for permanent ED Corporate Services and Manager Legal advancing.
- New Manager People & Wellbeing commencing 30 October – Jennifer Ritchie

6. Engineering Services

Key priorities for Operations:

- New/on boarding large number of new staff, especially on Moa.
- Xmas Closure ops continuity planning.
- "GET READY" planning and actions.
- Emergency desal setups.
- Water Security, 3 significant risks re climate conditions.
- Garbage trucks, managing lack of them with heat conditions.
- Geoscada improvements.

Key priorities for Capital Works:

- Seawalls x 4 projects, incl PBC Warraber and Masig.
- Badu QRA Road works, Risk management.
- TSRA grant securing. Erub Res, Mabuiag STP.
- FEDS \$40m bid. Due soon. Extreme priority.
- STATE \$40M TSIRC Strategy and October Agenda Report

7. Financial Services

Highlights:

- Reestablishment and first Audit Committee Meeting since November 2022
- Collaborating with Department Managers to finalise the 23/24 Budget Review
- Presented at the BSU Workshop and delivered training regarding new reporting requirements and departmental financial performance.
- Finalisation of Audit – Financial Statements are on track to sign 2nd week in October.
- Commenced initial discussions in collaborative project with Engineering Services to review and streamline asset capitalisation and disposals process.
- Procurement strategy endorsed by CEO delivered by external consultant.

Key focus areas for the month ahead:

- Review, finalise Overhead Model and prepare Executive Presentation
- TPAR statutory obligation to be submitted by 30 September – not submitted due to other priorities.
- CiA transition – organising training, working through a failsafe plan for go-live. Predicting a high failure rate due to lack of resources, staff being redirected to other work (Nikki/Lien not able to work offline as committed) – segregation of duties is expected to assist with distributing the workload more fairly and appropriately.
- BSU capitalisations; comprehensive review current process to be undertaken.

- Asset Projects - Poruma roofing, Badu sports oval lighting, Dauan basketball court and mechanic's workshop
- Mechanical preventive maintenance services contract
- Finalisation of contacts for Goods, Services and Materials ROPS (approx. 30 contracts remaining to be signed) – finalised contracts being added to VendorPanel.
- Development of Procurement "Breach Process".

8. Looking Forward

- November 2023 Councillors' Workshop

Preparation for the November 2023 Councillors' Workshop in Cairns is in full swing. Workshop be held from **Monday, 6 November 2023 to Wednesday, 15 November 2023** – followed by the Council's Ordinary Meeting on 16-17 November 2023.

- TSIRC Annual Closedown 2023-24

Agenda Item 12 of this meeting proposes that Council endorse the annual closedown of operations from 12.00 noon on Friday, 22 December 2023 and reopen on Tuesday, 2 January 2024.



James William
Chief Executive Officer



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	October 2023
ACTION REQUIRED:	Agenda Item for Resolution by Council
SUBJECT:	2024 Ordinary Council & Committee Meeting Dates
AUTHOR:	James William, Chief Executive Officer

Recommendation:

That Council:

- accept the schedule of Ordinary Council Meetings for the first quarter of 2024 prior to the Local Government Elections on 16 March 2024;
- accept the schedule of Council Standing Committee Meetings for the first quarter of 2024 prior to the Local Government Elections on 16 March 2024; and
- agree to consider a rescission of all TORs for Council Standing Committees to occur prior to the Local Government Election on 16 March 2024 in preparation for the incoming Council and further agree that this decision be taken by Council at its March 2024 meeting.

Executive Summary:

Chapter 3, Part 5 of the *Local Government Act 2009* sets out caretaker provisions in advance of a Local Government Election that provide limitations on the kinds of decisions that can be made by Council, in a Council meeting. The caretaker period is likely to be from January 2024 through until the election date (16 March 2024).

Scheduling of Ordinary Meeting dates for the first quarter of 2024

The following meeting dates are proposed for Council Ordinary Meetings for the first quarter of 2024 prior to the Local Government Election on 16 March 2024:

- 23-24 January 2024 (9am) – VC
- 20-21 February 2024 (9am) – VC
- 5-6 March 2024 – F2F

A post-election meeting will be held within 14 days of the conclusion of the election. The arrangements for all meetings post the election will be decided by the incoming Council.

Scheduling of Council Standing Committee Meeting dates for the first quarter of 2024

The following meeting dates are proposed for Council's Standing Committees for the first quarter of 2024 prior to the Local Government Election on 16 March 2024:

- SARG Committee – 9 Jan 2024 | 6 Feb 2024 | 29 Feb 2024
- Culture, Arts, Land & Heritage Committee – 11 Jan 2024
- Housing and Safe & Healthy Communities Committee – 30 Jan 2024
- Economic Growth Committee – 8 Feb 2024
- Governance & Leadership Committee – 13 Feb 2024
- Climate Change Adaptation & Environment Committee – 27 Feb 2024

Recision of Standing Committees' Terms of Reference (TOR) / or terminate the Committees (see current TOR)

To limit as many legacy matters as possible for the incoming Council in 2024, it is proposed that Council consider the recision of its Standing Committees' TOR prior to the Local Government Election on 16 March 2024.

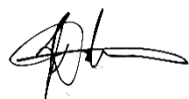
It is further proposed that this decision be taken by Council at its March 2024 meeting, to allow existing Standing Committees time to focus on finalizing any priority matters for the current Council. Current Council Standing Committees will only be able to meet once in 2024, with these meetings needing to occur prior to the current Council's proposed final meeting in March 2024.



Recommended/Endorsed:

Martin Leech

Acting Executive Director Corporate Services



Approved:

James William

Chief Executive Officer



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	October 2023
DATE:	24 & 25 October 2023
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Nominations for Audit Committee
AUTHOR:	James William, Chief Executive Officer

Recommendation:

That Council calls for two nominations to be appointed to the Torres Strait Island Regional Council Audit Committee and for two nominations to be appointed as proxies members to the Torres Strait Island Regional Council Audit Committee.

Resolution:

That Council resolve to appoint by nomination and resolution XXX as a Councillor Member of the Audit Committee until the end of their current term on Council

And

That Council resolve to appoint by nomination and resolution XXX as a Councillor Member of the Audit Committee until the end of their current term on Council

And

That Council resolve to appoint by nomination and resolution XXX as a Proxy Councillor Member of the Audit Committee until the end of their current term on Council

And

That Council resolve to appoint by nomination and resolution XXX as a Proxy Councillor Member of the Audit Committee until the end of their current term on Council

Summary:

In accordance with Section 210 of the *Local Government Regulation 2012*, the Audit Committee of a local government must consist of at least 3 members but no more than 6 members. The membership of the committee will comprise of up to two Councillors

nominated by Council. In accordance with section 210 of the Local Government Regulation 2012, at least one member of the committee will have skills in financial matters.

At the September 2023 Ordinary Meeting, Council endorsed the following membership of the Committee as follows:

Chairperson:	Cam Charlton – Kleinhardt Pty Ltd
Deputy Chair:	Darryl Bell – DRB Consulting
Elected Members	Mayor Phillemon Mosby and Councillor Keith Fell

Attendance at the Audit Committee meetings is essential, and the committee must meet at least twice each financial year. As a result, Council requested at the September 2023 Ordinary Meeting that nominations be recalled for the Audit Committee from committed Councillors to serve on the Committee.

Once appointed the Councillors membership will automatically end at their current term of council. Councillors are eligible for reappointment by Council upon being re-elected.

Consultation:

- Executive Team
- Elected Council

Links to Strategic Plans:

This report is consistent with Council's Corporate Plan.

Statutory Requirements:

Local Government Act 2009

Local Government Regulation 2012

Conclusion:

That Council calls for two nominations to be appointed to the Torres Strait Island Regional Council Audit Committee and for two nominations to be appointed as proxies members to the Torres Strait Island Regional Council Audit Committee.

Attachment:

Nil



Approved:

James Willam
Chief Executive Officer



TORRES STRAIT ISLAND REGIONAL COUNCIL

COUNCIL REPORT

ORDINARY MEETING: October 2023
DATE: 24 - 25 October 2023
ITEM: Agenda Item for Noting by Council
SUBJECT: Building Services Report (September 2023)
AUTHOR: Wayne Green – Executive Director TSIRC BSU

Recommendation:

Council resolves to note the Building Services Report for September 2023.

Executive Summary:

This report provides an overview of the ongoing activities carried out by the Building Services Unit (BSU) during the reporting period of September 2023.

Upgrade & HO Program:

BSU has initiated the tendering process for the 2023-2024 Upgrade Works & Home Ownerships. Regular meetings with funding partners are being held to address challenges related to high delivery costs, extended timeframes for project completion and tender awarding.

Current Status (as of 29 September)

Tenders Awaiting Approvals

Upgrades – 82 projects (\$12,388,918.12)

Home Ownerships – 11 projects (\$6,955,095.18)

Upgrade and HO Program - Revenue Comparison July to September

	2022	2023	Variance
\$	2,957,865.27	\$ 2,754,705.60	-\$203,159.67

The above figures are based upon actual invoices and do not include accruals.

Priority Upgrade works, in the Vacant and Dis-Mod (OT) work types, has been initiated for enhanced visibility and priority actions. This new delivery process has commenced, though is in its infancy.

Current awarded works that have been initiated with the Contractors are incurring up to 6-week delays of materials by Sea Swift. These delays are impacting the scheduled works timeframes and have been communicated to QBuild. QBuild have scheduled meetings with Sea Swift to highlight and discuss.

Strategies are continuing the implementation of planning for the delivery of the NAHA Upgrade program and Home Ownerships. These strategies encompass:

- Reviewing contractors' existing workloads
- Prioritising essential works
- Conducting bulk tendering for all upgrades in each community
- Holding contractors accountable through liquidated damages
- Reviewing and modifying contracts to mitigate risk to TSIRC (e.g., material, freight, flights, etc.)

R&M Program:

The realignment of the Tier 1 stream has improved service delivery to our customers and most importantly our communities. This restructure has also led to increased revenue for TSIRC.

As of 29 September, 2023, there is a backlog of maintenance work comprising 1988 tasks (790 Healthy Homes tasks) with a total value of approximately \$3 million that has been pending for over 30 days.

R&M Program - Revenue Comparison July to September		
2022	2023	Variance
\$ 2,745,448.01	\$ 2,339,452.38	-\$405,995.63
The above figures are based upon actual invoices and do not include accruals.		

Large volume of tasks outstanding due to the backlog of freight (currently 6-8 weeks).

Housing Investment Plan (Capital Housing Program) - \$14.4M:

Stage 1 funding was released on September 27, 2022. BSU and Housing are continuing to finalise the proposed program which is expected to be presented for Council resolution in October. Subsequently, it will be re-submitted to the Department of Housing for further variation approval.

TSIRC are continuing working closely with QBuild and the Office of Queensland Government Architect (OQGA) where TSIRC aims to leverage the Modern Methods of Construction (MMC) initiative to deliver much-needed good housing in the Torres Strait that is built and designed for the Torres Strait. Workshop 2 Site Tour and Concepts held in late August provided valuable information to the project team with further workshops scheduled in October to formally present the draft designs, costings, construction methodology and program.

Collaboration with DSDSATSIP addressing Town Planning, subdivisions and surveys is underway where DSDSATSIP are also assisting with drafting necessary ILUA's and other Native Title advice to fulfil Stage 1 of the funding agreement. This relationship is presenting costs savings which will benefit the program.

Business Relationships:

Meetings are continuing on a weekly basis between BSU and key stakeholders.

TSIRC BSU and Communities are working together in partnership to improve the delivery of service to our communities to ensure we are improving the liveability within each Division

Logistics:

TSIRC Contract documentation has been updated to establish contractor accountability for the projects they undertake. Timely project delivery is a priority for TSIRC.

Considerations:

Risk Management

- Continued review of scheduled works for this financial year to clarify projects and their financial impact.
- Ongoing review of departmental structure, resourcing, and processes to enhance service delivery across all levels.
- Regular monitoring of performance to manage revenue, expenses, service delivery, and community outcomes

Consultation:

- Building Services Executive Director
- Building Services Management
- Business Services Accountant
- Building Services Construction Software
- Procore Published Industry statistical data

Links to Strategic Plans:

Corporate Plan 2020-2025

- Delivery of Capital Works program

Statutory Requirements:

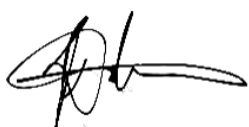
- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *National Construction Code Building Act 1975*
- *Building Regulation 2006*
- *Queensland Building and Construction Commission Act 1991*
- *Queensland Building and Construction Commission Regulation 2018*

Conclusion:

That Council notes the information contained in this report.

**Recommended:**

Wayne Green
Executive Director Building Services

**Approved:**

James William
Chief Executive Officer



TORRES STRAIT ISLAND REGIONAL COUNCIL

ORDINARY MEETING

MEETING:	October 2023
SUBJECT:	CORPORATE SERVICES - Culture Arts Land & Heritage (CALH) Committee - Update Membership & TOR
ACTION REQUIRED:	Agenda Item for Resolution by Council
AUTHOR:	Martin Leech, Acting Executive Director Corporate Services

Officers' Recommendation:

That Council resolves to:

- appoint Cr Ranetta Wosomo as a member of the Culture, Arts, Land & Heritage (CALH) Committee to replace Cr Laurie Nona who has resigned from Council;
- reaffirm the appointment of Cr Torenzo Elisala as a member of the CALH Committee;
- appoint an Acting Chairperson for the term of Cr Aven Noah's suspension from Council;
- endorse an updated Terms of Reference (TOR) for the Committee to reflect these and other changes which have taken place since November 2021.

Purpose:

To update the membership and TOR for the CALH Committee to reflect recent changes.

Background:

The original membership of the CALH Committee was endorsed by Council in July 2020 and comprised Cr Aven Noah (Chair), Cr Laurie Nona (Member) and Cr Torenzo Elisala (Member). Under Section 12(4)(f) of the *Local Government Act 2009 (Qld)*, the Mayor is automatically a member of each standing committee of the Council.

In March 2023, the CALH Chair (Cr Aven Noah) was placed on suspension by Council and Cr Laurie Nona was requested by the Mayor to assume the role as Acting Chair during the term of Cr Noah's suspension.

Cr Laurie Nona resigned from Council on 27 July 2023 and Cr Aven Noah's suspension remains current.

Cr Ranetta Wosomo has since been appointed as Councillor for Division 5 (Badu), replacing Cr Laurie Nona.

At the September 2023 Ordinary Council Meeting the Mayor proposed that Cr Wosomo's appointment as a Member of the Committee be formalised on the Committee's TOR.

Officers Comment:

The updated TOR for the CALH Committee also reflects the new organisation structure effective from 1 July 2023. The Executive Officer supporting the CALH Committee will be the Executive Director Corporate Services.

Consultation:

Senior Legal Officer

Links to Strategic Plans:

This Committee provides support for Council to deliver objectives under the People, Sustainability, and Prosperity pillars of Council's Corporate Plan.

Statutory Requirements:

Local Government Act 2009

Local Government Regulation 2012

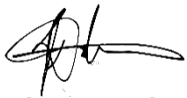
Conclusion:

That Council accept the Officers' recommendation.

**Recommended/Endorsed:**

Martin Leech

Acting Executive Director Corporate Services

**Approved:**

James William

Chief Executive Officer

Terms of Reference for the Culture, Arts, Land and Heritage 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
- ~~T~~[wo](#)~~hree~~ 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 Noah – Chair~~
- ~~• Cr Elisala~~
- ~~• Cr Nona~~

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 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; ~~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 ~~five (5) 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 ~~(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. Community and Building Services.~~

9. Administrative Support

Secretariat support will be provided by the Secretariat Office.

Terms of Reference endorsed by Council resolution at ~~October 2023 November 2021~~ Ordinary Meeting.



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	October 2023
DATE:	24 th -25 th October 2023
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Community Grants Program Allocation – October 2023
AUTHOR:	Katherine Epsseg, Community Grants Officer, Enterprise Development and Delivery Team

Recommendation:

Council resolves to:

- a) note this report of grant applications processed out-of-cycle, funeral donations and in-kind assistance provided in September 2023 in accordance with the Community Grants policy; and
- b) notes that no in-cycle applications requiring Council approval were received since the last report to Council.

Links to Strategic Plans:

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

Finance & Risk:

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

Sustainability:

N/A

Statutory Requirements:

Local Government Act 2009

Conclusion:

Council resolves to note this report of grant applications processed out-of-cycle, funeral donations and in-kind assistance provide in September 2023 in accordance with the Community Grants policy.

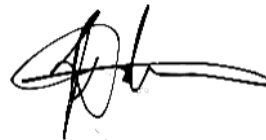
Noting that no in-cycle applications requiring Council approval were received since the last report to Council.

Prepared/Endorsed:

Katherine Epsig
Community Grant Officer

**Recommended:**

Martin Leech
Acting Executive Director,
Corporate Services

**Approved:**

James William
Chief Executive Officer

Attachments:

1. *Applications Processed During the Reporting Period*
2. *Fund Balances*
3. *Reconciliation - Approved Funding Table*

Attachment 1: Applications Processed During the Reporting Period for Noting:

Application Type	Community Entity Applicants	Amount Requested	Project/Event	Amount Approved	Location
Out-of-Cycle Applications	Kerrienne Noack	\$2,500.00	Contribution towards travel costs associated with her daughter, Kaylin Mosby's selection of the Track & Field Trials in Brisbane, 12-15/10/2023.	\$2,500.00	Poruma
	Ugar P&C Association	\$2,000.00	Contribution towards costs associated with hosting the 2023 Tagai Graduation Ceremony, 28/11/2023. [Approved out of cycle due to shipping constraints]	\$2,000.00	Ugar
Funeral Donations	Aron Tom	\$582.49	Contribution towards travel expenses associated with attending the funeral of the Late Mr Mavis Tom in Cairns, 06/10/2023.	\$582.49	Boigu
	Leila Passi	\$5,000.00	Contribution towards funeral expenses associated with the funeral of the Late Mrs Etta Sam on Mer Island, 11/10/2023.	\$5,000.00	Mer
	Anai Bigie	\$3,000.00	Contribution towards travel expenses associated with attending the funeral of the Late Mrs Bethalia Lui on Iama Island, 30/09/2023.	\$3,000.00	Dauan
	Rowena Johnson	\$2,500.00	Contribution towards catering expenses associated with the funeral of the Late Mr Walter Tamwoy on Badu Island, 19/09/2023.	\$2,000.00	CEO
				\$500.00	Mayor
	Rowena Johnson	\$2,500.00	Contribution towards funeral fuel expenses associated with attending the funeral of the Late Mr Walter Tamwoy on Badu Island, 19/09/2023	\$2,000.00	CEO
				\$500.00	Mayor

Application Type	Community Entity Applicants	Amount Requested	Project/Event	Amount Approved	Location
	Jean Tamwoy	\$700.00	Contribution towards fuel expenses associated with attending the funeral of the Late Mr Mometh Rattler on Horn Island, 22/09/2023.	\$700.00	Kubin
	Florence Lui	\$396.00	Contribution towards travel expenses associated with attending the funeral of the Late Mrs Bethalia Lui on Iama Island, 30/09/2023.	\$396.00	Warraber
	Abigail Lui	\$4,537.06	Contribution towards travel expenses associated with attending the funeral of the Late Mrs Bethalia Lui on Iama Island, 30/09/2023.	\$4,537.06	St Paul's
	Charles Bigie	\$2,000.00	Contribution towards return travel expenses associated with attending the funeral of the Late Mrs Bethalia Lui on Iama Island, 30/09/2023.	\$2,000.00	Dauan
	Aron Tom	\$388.99	Contribution towards return travel expenses associated with attending the funeral of the Late Mr Mavis Tom in Cairns, 06/10/2023.	\$388.99	Boigu
	Patricia Harry	\$5,000.00	Contribution towards the funeral expenses of the Late Mr Tony Harry of Warraber Island, 21/10/2023.	\$5,000.00	Warraber
	Milleon Tamu/Josephine David	\$5,000.00	Contribution towards travel expenses associated with attending the funeral of the Late Mr Tony Harry on Warraber Island, 21/10/2023.	\$5,000.00	Iama

Application Type	Community Entity Applicants	Amount Requested	Project/Event	Amount Approved	Location
	Gerari Peter	\$5,000.00	Contribution towards the funeral expenses of the Late Mr Wusuru Dau of Bougi Island.	\$5,000.00	Boigu
	Toshina Sailor	\$3,926.00	Contribution towards travel expenses associated with attending the funeral of the Late Mr Tony Harry on Warraber Island, 21/10/2023.	\$3,926.00	St Paul's
In-Kind Assistance	Baibai Mooka	\$1,565.00	Hire of Community Hall & Pool vehicle to host Dauan Tombstone Unveilings of Late Rev. Father Gibeon Sagi Mooka, Late Mrs Baia Mau, and Late Babies Katherine & Terina Mooka, 27/09 - 01/10/2023.	\$1,565.00 (Waiver of Fees Value)	Dauan
	Patrick Baragud	\$1,527.75	Hire of Pool vehicle to assist with community sorry business for the Late Mrs Bethalia Lui, 18/09 - 01/10/2023.	\$1,527.75 (Waiver of Fees)	Iama
	Bau Au Stingers	\$355.00	Hire of Community Hall to host the Bau Au Stingers football and volleyball fundraising event, 22-23/09/2023.	\$355.00 (Waiver of Fees)	Mabuiag
	Raina Kepa	\$1,172.50	Hire of Community Hall to assist with community sorry business for the Late Mrs Bethalia Lui, 25/09 - 01/10/2023.	\$1,172.50 (Waiver of Fees)	Iama

Attachment 2: Fund Balances

(Balance prior to payment of applications endorsed during the September 2023 OM)

Please note that Divisional Closing Balances may vary between reporting periods due to variances between committed and actual expenditure, as well as applications that have been cancelled or withdrawn.

Division	Councillor	Budget	Less Approved Funding	Closing Balance
Boigu	Cr. Toby	\$25,000.00	\$12,368.48	\$12,631.52
Hammond	Cr. Dorante	\$25,000.00	\$0.00	\$25,000.00
St Pauls	Cr. Levi	\$25,000.00	\$23,122.14	\$1,877.86
Ugar	Cr. Stephen	\$25,000.00	\$4,782.15	\$20,217.85
Badu	Cr. Nona	\$25,000.00	\$24,288.20	\$711.80
Dauan	Cr. Elisala	\$25,000.00	\$19,978.47	\$5,021.53
Erub	Cr. Gela	\$25,000.00	\$4,443.99	\$20,556.01
Iama	Cr. Lui	\$25,000.00	\$15,000.00	\$10,000.00
Kubin	Cr. Trinkoon	\$25,000.00	\$8,146.21	\$16,853.79
Mabuiag	Cr. Fell	\$25,000.00	\$15,514.00	\$9,486.00
Mer	Cr. Noah	\$25,000.00	\$7,999.61	\$17,000.39
Poruma	Cr. Pearson	\$25,000.00	\$2,662.00	\$22,338.00
Saibai	Cr. Tabuai	\$25,000.00	\$15,318.16	\$9,681.84
Warraber	Cr. Tamu	\$25,000.00	\$13,498.00	\$11,502.00
Yorke	Cr. Mosby	\$25,000.00	\$6,836.66	\$18,163.34
Mayor	Mayor Mosby	\$15,000.00	\$1,000.00	\$14,000.00
Community Gifts	CEO	\$37,000.00	\$4,000.00	\$33,000.00
		\$427,000.00	\$178,958.07	\$248,041.93

Attachment 3: Reconciliation - Approved Funding Table

This table refers to the divisional funds that have been approved and committed for this reporting period.

Division	Applicant	Completed Payments	Committed Funds	Approved Funding Total
Boigu	Saint Saviour Church – August 7 th Festival	\$4,538.50		\$12,368.48
	Church of The Rock – Church Dedication Celebration		\$1,858.50	
	Aron Tom – Funeral Travel Assistance		\$582.49	
	Aron Tom – Funeral Travel Assistance (Return Travel)		\$388.99	
	Gerari Peter – Funeral Donation Application		\$5,000.00	
St Paul's	Lalita-Ann Kris - Inaugural Under 17's NQ Sistas Rugby League Trials	\$723.00		\$23,122.14
	Toshina Sailor - Inaugural Under 17's NQ Sistas Rugby League Trials	\$723.00		
	Eunice Hosea – Funeral Travel Assistance	\$5,000.00		
	Kozan Outreach Fellowship Ministry		\$4,500.00	
	Lalita-Ann Kris - Inaugural Under 17's NQ Sistas Rugby League Trials	\$606.54		
	Toshina Sailor - Inaugural Under 17's NQ Sistas Rugby League Trials	\$606.54		
	Abigail Lui – Funeral Travel Assistance	\$4,537.06		
	Samantha Kris – Year 6 Graduation		\$2,500.00	

Division	Applicant	Completed Payments	Committed Funds	Approved Funding Total
	Toshina Sailor – Funeral Travel Assistance		\$3,926.00	
Ugar	Bob Modee – Ark of Transfiguration’s Church Day	\$2,282.79		\$4,782.15
	Ugar P&C Association – 2023 Ugar Graduation	\$499.36	\$2,000.00	
Badu	Brenda Nona - Inaugural Under 17’s NQ Sistas Rugby League Trials (Travel)	\$723.00		\$24,288.20
	Anaclita Ahmat - Inaugural Under 17’s NQ Sistas Rugby League Trials (Travel)	\$723.00		
	Denna Nona - Inaugural Under 17’s NQ Sistas Rugby League Trials (Travel)	\$723.00		
	Jesaray Nona - Inaugural Under 17’s NQ Sistas Rugby League Trials (Travel)	\$723.00		
	Mulga Football Team – QLD Murri Rugby League Carnival	\$5,000.00		
	Aragun Warriors – Gordonvale All Blacks Rugby League Carnival	\$3,000.00		
	Louisa Ahmat – Daughter’s Air Force Graduation		\$1,000.00	
	Kayin Koasals – Dan Ropeyarn Cup		\$1,000.00	
	Aragun Warriors – Mackay All Blacks Rugby League Carnival	\$1,000.00		

Division	Applicant	Completed Payments	Committed Funds	Approved Funding Total
	Courtney Morseu – Tagai Secondary Graduation	\$500.00		
	Elsie Nona - U12's Girls Rugby League State Championship	\$1,215.35		
	Brenda Nona - Inaugural Under 17's NQ Sistas Rugby League Trials (Accomm)	\$606.54		
	Anaclita Ahmat - Inaugural Under 17's NQ Sistas Rugby League Trials (Accomm)	\$606.54		
	Denna Nona - Inaugural Under 17's NQ Sistas Rugby League Trials (Accomm)	\$606.54		
	Jesaray Nona - Inaugural Under 17's NQ Sistas Rugby League Trials (Accomm)	\$606.54		
	Josephine Ahmat – Funeral Donation Application		\$2,500.00	
	Josephine Ahmat – Funeral Donation Application	\$1,245.44		
	Naizel Enosa – Funeral Donation Application	\$1,221.25		

Division	Applicant	Completed Payments	Committed Funds	Approved Funding Total
Dauan	Roxin Eagles – Roxin Eagles Gala Night		\$5,000.00	\$19,978.47* (\$14,978.47)
	Wrench Mau – Funeral Travel Assistance	\$5,000.00		
	Anai Bigie – Funeral Travel Assistance	\$2,978.47		
	Charles Bigie – Funeral Travel Assistance (Return Travel)	\$2,000.00		
	Mary Enosa – Funeral Travel Assistance*	\$5,000.00 to be journalled back to Saibai task code*		*incorrectly charged to Dauan task code*
Erub	Maryann Tamwoy – Funeral Travel Assistance	\$833.33		\$4,443.99
	Meo Sailor – Funeral Travel Assistance	\$833.33		
	Sarah Gela – Funeral Travel Assistance	\$464.00	\$369.33	
	Tabane Bustard – Funeral Travel Assistance	\$1,485.54	458.46	
Iama	Rene Baluz – Funeral Travel Assistance	\$5,000.00		\$15,000.00
	Getano Lui – Funeral Donation Application		\$5,000.00	
	Milleon Tamu/Josephine David – Funeral Travel Assistance		\$5,000.00	

Division	Applicant	Completed Payments	Committed Funds	Approved Funding Total
Kubin	Charlotte Pearson – Funeral Travel Assistance		\$473.00	\$8,146.21
	Louise Manas – Funeral Travel Assistance	\$4,474.95		
	Jeanon Bosun – Funeral Donation Application	\$2,498.26		
	Jean Tamwoy – Funeral Travel Assistance		\$700.00	
Mabuiag	Larissa Bani – Funeral Travel Assistance	\$3,624.00		\$15,514.00
	Goemu Bau Raiders – Dan Ropeyarn Cup	\$3,910.00	\$2,090.00	
	Mabuygiw Garkaziw Kupay TSI Corporation - Dabangay Cultural Heritage Management Plan		\$1,000.00	
	Bau Au Stingers – Dan Ropeyarn Cup		\$4,890.00	
Mer	St James Anglican Church – Church Day Celebration	\$1,999.61		\$7,999.61
	Rottannah Passi – Funeral Travel Assistance	\$1,000.00		
	Leila Passi – Funeral Donation Application	\$5,000.00		
Poruma	Mokathani Lui – Annual Christmas Competition		\$640.00	\$2,662.00
	Kerriann Noack – Track & Field Trials	\$2,022.00		

Division	Applicant	Completed Payments	Committed Funds	Approved Funding Total
Saibai	Alimah Dai - Inaugural Under 17's NQ Sistas Rugby League Trials (Travel)	\$723.00		\$15,318.16
	Alison Wosomo - Inaugural Under 17's NQ Sistas Rugby League Trials (Travel)	\$723.00		
	Bethel Wosomo - Inaugural Under 17's NQ Sistas Rugby League Trials (Travel)	\$723.00		
	Kaithalinah Wosomo - Inaugural Under 17's NQ Sistas Rugby League Trials (Travel)	\$723.00		
	White Dove Ministry – Church Musical Instruments	\$5,000.00		
	Alimah Dai - Inaugural Under 17's NQ Sistas Rugby League Trials (Accomm)	\$606.54		
	Alison Wosomo - Inaugural Under 17's NQ Sistas Rugby League Trials (Accomm)	\$606.54		
	Bethel Wosomo - Inaugural Under 17's NQ Sistas Rugby League Trials (Accomm)	\$606.54		
	Kaithalinah Wosomo - Inaugural Under 17's NQ Sistas Rugby League Trials (Accomm)	\$606.54		
	Mary Enosa – Funeral Travel Assistance		\$5,000.00	

Division	Applicant	Completed Payments	Committed Funds	Approved Funding Total
Warraber	Louise Mari – Tikisha Mari World Challenge in New Zealand	\$2,500.00		\$13,498.00
	Catharine Enosa – Community Sorry Business (Travel)	\$1,602.00		
	Nancy Mari - Kenya Mari World Challenge in New Zealand	\$2,000.00		
	Romiyah Tamu – James Cook UniLodge	\$2,000.00		
	Florence Lui – Funeral Travel Assistance	\$396.00		
	Patricia Harry – Funeral Donation Application	\$5,000.00		
Yorke	Church of The Living God – Spring Church Conference	\$1,000.00		\$6,836.66
	Masig Thurud Wap – Dan Ropeyarn Cup	\$3,000.00		
	Pensio Gela (Snr) – Funeral Travel Assistance	\$1,501.05	\$335.61	
Mayor	Rowena Johnson – Funeral Donation Application	\$250.00	\$250.00	\$1,000.00
	Rowena Johnson – Funeral Travel Assistance		\$500.00	
CEO – Community Gifts	Rowena Johnson – Funeral Donation Application	\$398.24	\$1,601.76	\$4,000.00
	Rowena Johnson – Funeral Travel Assistance		\$2,000.00	



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	October 2023
DATE:	24/25 October 2023
ITEM:	Agenda Report
SUBJECT:	Funding Acquisition Report
AUTHOR:	Sharon Russell – Grants Administration Officer

Recommendation:

That Council resolves to note this report and its content.

Executive Summary:

The Funding Acquisition Report provides an update and summary of Council's current grant application and acquisition outcomes for the September reporting period.

During the September reporting period Council received our annual State Emergency Services subsidy of \$26,521.43 for the costs associated with our disaster management and SES units.

Within the current financial year, Council have secured approximately \$5 Million of funding through successful applications. Much of this funding was advocated by Engineering Services and applied for within the previous financial year.

New Agreements/Variations:

The following is a list of all new agreements and/or variations that were executed during the month of September 2023 within the Chief Executive Officer's financial delegation limit of \$1,000,000 as per Council's Strategic External Grant Funding Policy:

- Torres Strait Regional Authority
Business Case Development – Alternate Travel Options for Dauan & Ugar
\$85,000

The following is a list of all new agreements that were executed during the month of September 2023, that were outside the Chief Executive Officer's financial delegation limit of \$1,000,000 but had received formal resolution through a Council Ordinary Meeting.

- Queensland Reconstruction Authority
DRFA Works on Various Islands
\$2,216,589.89

In comparison to the same period, last year, see the table below:

	1 July 2023 to 30 Sept 2023	1 July 2022 to 30 Sept 2022
Applied for in period	15,306,357	320,000
Unsuccessful in period	(15,000,000)	-
Successful (applied in current period)	306,357	-
Successful (applied for in prior period)	4,607,357	-
Total successful in period	4,913,714	-

Current Application Status Report:

The following two tables highlight all current and pending funding applications, including details on their outcome and a status report on all unsuccessful and long-term pending applications separated into Recurrent & Operational Funding and Capital Project Funding. Some applications can span numerous financial years. Please note, whilst the reporting period is for the fiscal year to align with Council's budget and projected forecasts, there will be a level of discrepancy between the figures listed on this report to and actuals reported in budget and financial reports. This is largely due to the carry-over of project underspends from operational funding, as well as capital projects that receive progress payments spanning over multiple financial years combined with revenue recognition requirements per Accounting Standards.

Operational Funding								
Funding Stream	Total	2023/24 FY	2024/25 FY	2025/26 FY	Project Details	Date of Application	Outcome	Current Status Report
<i>Department of Infrastructure, Transport, Regional Development, Communications, and the Arts</i>	<i>\$15,000,000</i>				<i>Growing Regions Round One – Expressions of Interest</i>	<i>2nd August 2023</i>	<i>Unsuccessful</i>	<i>Full application to be lodged in December 2023</i>
<i>LGAQ – QCoast 2100 3.0</i>	<i>\$485,000</i>	<i>\$485,000</i>			<i>Coastal Hazard Adaption Strategy – Implementation Funding</i>	<i>23rd June 2023</i>	<i>Pending</i>	<i>Expected outcome in September 2023</i>
<i>Department of Seniors, Disability Services, and Aboriginal and Torres Strait Islander Partnerships</i>	<i>\$10,000</i>	<i>\$10,000</i>			<i>Mepla Voice Project – Capture traditional island dance, songs, and hymns in each of the 3 language groups for preservation.</i>	<i>23rd June 2023</i>	<i>Pending</i>	<i>Expected outcome in September 2023</i>
<i>Torres Strait Regional Authority</i>	<i>\$85,000</i>	<i>\$85,000</i>			<i>Funding for a Business Case to develop travel options for Dauan & Ugar.</i>	<i>31st May 2023</i>	<i>Successful</i>	

Total of Funding Applied <i>*Noting funding can span over numerous financial years</i>	\$15,580,000.00
<i>Total of Funding Successful</i>	<i>\$85,000.00</i>
<i>Total of Funding Unsuccessful</i>	<i>\$15,000,000.00</i>
<i>Total of Funding Pending</i>	<i>\$495,000.00</i>

Capital Project Funding					
Funding Stream	Total	Project Details	Date of Application	Outcome	Current Status Report
Department of Infrastructure, Transport, Regional Development, Communications and the Arts	\$306,357	Local Roads and Community Infrastructure Program – Phase 4 Funding to deliver priority local road and community infrastructure projects.	July 2023	Successful	Confirmation of actual project/s to be determined.
Torres Strait Regional Authority	\$1,530,000	Funding for the Erub Reservoir Refurbishment.	June 2023	Successful	Application submitted by Engineering Services
Torres Strait Regional Authority	\$2,980,000	Funding for the Mabuiag Sewer Treatment Plant Replacement.	June 2023	Successful	Application submitted by Engineering Services
Gambling Community Benefit Fund	\$12,357	Funding requested for minor capital works to be carried out on the Iama Basketball Courts to support the Iama Youth Group.	February 2023	Successful	Waiting on funding agreement and documentation
Total of Funding Applied *Noting funding can span over numerous financial years	\$4,828,714				
Total of Funding Successful	\$4,828,714				
Total of Funding Unsuccessful	\$0				
Total of Funding Pending	\$0				

Annual Local Government Funding

The table below highlights all Annual Local Government Funding, that Council was allocated for 2023/24. No application is required for this type of funding. Council officers note that the below figures will not reconcile to budget documents or financial statements as per AASB 1058, Council is required to recognise revenue on receipt of funds.

Annual Local Government Funding				
Funding Stream	23/24 Total Allocation	Project Details	Date of Application	Comments
<i>Queensland Fire and Emergency Services</i>	<i>\$26,521.43</i>	<i>This payment recognises the costs incurred by Local Government in providing support to their SES Groups and Units.</i>	<i>Annual Allocation</i>	<i>100% paid upfront for current financial year 23/24</i>
<i>Financial Assistance – Indigenous Councils Funding Program</i>	<i>\$15,886,108</i>	<i>The ICFP replaces the SGFA & RRP and represents a significant investment in Queensland’s Indigenous communities, increasing the Queensland Government’s support for Indigenous councils by \$25.8 million for 2023-24.</i>	<i>Annual Allocation</i>	<i>100% paid upfront for current financial year 23/24</i>
<i>Financial Assistance – General Purpose</i>	<i>\$15,118,824</i>	<i>Financial Assistance General Purpose is an annual allocation-based program for local government bodies based on the principal of horizontal fiscal equalisation, enabling them to function by reasonable effort to an average standard.</i>	<i>Annual Allocation</i>	<i>100% paid upfront for current financial year 23/24</i>
<i>Financial Assistance – Local Roads</i>	<i>\$239,119</i>	<i>Financial Assistance Local Roads is an annual allocation-based program to assist local governments with roads expenditure and to preserve its roads assets.</i>	<i>Annual Allocation</i>	<i>100% paid upfront for current financial year 23/24</i>
<i>Total Allocation for 23/24</i>	<i>\$31,270,572.40</i>			

Councilor's Top 5 Priorities Status:

The Councilor Top 5 Priority Projects will be reported in a separate report on a quarterly basis during January, April, July, and October Council meetings.

Links to Strategic Plans:

- Corporate Plan 2020-2025:
 - People - Outcome 4: We are a transparent, open, and engaging Council.
 - Sustainability - Outcome 8: We manage Council affairs responsibly to the benefit of our communities.

Statutory Requirements:

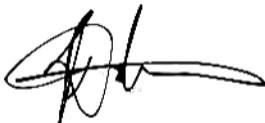
- *Local Government Act 2009*
- *Local Government Regulation 2012*

Conclusion:

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

**Recommended:**

Martin Leech
Acting, Executive Director of Corporate Services

**Approved:**

James William
Chief Executive Officer

AGENDA REPORT

ORDINARY MEETING:	October 2023
DATE:	24 October 2023
ITEM:	Agenda Report for resolution by Council
SUBJECT:	Policy Updates and Complaints Annual Report
AUTHOR:	Julia Mauro, Senior Legal Officer

Recommendation:

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

Executive Summary:

This report:

1. presents for Council's endorsement, the reviewed Complaint Management Policy;
2. presents for Council's endorsement proposed updates to the policy for dealing with complaints about the public official;
3. presents for Council's endorsement proposed updates to the policy for dealing with public interest disclosures (also known as "whistle-blowing");
4. presents for Council's endorsement proposed updates to the Privacy Policy; and
5. provides a yearly update on formal complaints received by Council.

Background:

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

- Complaint Management Policy (last updated 20 September 2022)
- Complaint Management Procedure (last updated 4 March 2022)
- Complaint (Public Official) Policy (last updated 20 September 2022), which is a statutory policy required for dealing with any complaint received about the CEO
- Public Interest Disclosure Policy and Management Program (last updated 20 April 2021)
- Housing Complaint Management Policy (last updated November 2017)
- There is also a related Privacy Policy (last updated July 2022)

The Complaint Management Procedure requires the CEO to provide an annual report to Council on the operation of the Complaint Management Procedure, including identifying and analysing any complaint trends and significant issues, and any recommendations for improvement.

The last report was provided in September 2022. Particulars of each complaint and the outcome are recorded in Council's Complaint Management Register which is maintained by the CEO with the assistance of the Legal Services Division.

Comment:

Complaint Management Policy update (Attachment 1)

The Complaint Management Policy is due for review.

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

1. Set a review date of October 2025.
2. Update the CEO signatory details.

Complaint (Public Official) Policy update (Attachment 2)

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

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

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

1. Set a review date of October 2025.

Section 48A states:

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

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

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

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

Example of operation of subsection (3)—

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

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

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

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

(4) In this section—

complaint includes information or matter.

Public Interest Disclosure Policy and Management Program update (Attachment 3)

The Public Interest Disclosure Policy and Management Program is due for review. This policy deals with the management of public interest disclosures (also known as “whistle-blowing”).

MacDonnells Law has reviewed the Policy (under retainer).

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

1. Minor changes to wording to clarify and confirm the intention of the legislation, for example noting that it is an offence to take reprisal action against a discloser.
2. Set a review date of October 2025.
3. Update position titles and names.

Privacy Policy update (Attachment 4)

The Privacy Policy is due for review.

MacDonnells Law has reviewed the Policy (under retainer).

The amendments proposed are minor in nature as the substantive information relevant to the *Information Privacy Act* and *Right to Information Act* is accessible via TSIRC's website.

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

1. Add links to information on the collection and storage of information and requests for information, which can be found on Council's website.
2. Set a review date of July 2025.
3. Update position titles and names.

As it was not part of the immediate brief to MacDonnells Law, the lawyer reviewing the Policy did not fully consider whether the Privacy Policy is actually required given the information on Council's website, although the initial view is that it does not add anything additional and therefore could potentially be repealed. MacDonnells Law recommends Council officers consider that issue specifically on the next review of the Policy.

Complaints Annual Report

This report summarises:

- The number and type of complaints received during the financial year 1 July 2022 to 30 June 2023, compared to the number received in the previous financial year;
- The number and type of 2022/23 complaints that remain open; and
- The number and type of complaints closed during the 2022/23 financial year, noting which complaints were from the 2022/23 financial year and which were from a previous financial year.

A summary table with the complaints statistics is included at the end of this report.

Council received 36 complaints in 2022/23. The number of complaints received by Council has dropped significantly this year.

Overall, the number of complaints received by Council year-on-year has reduced:

- 2018/19: 33 total complaints received
- 2019/20: 31 total complaints received
- 2020/21: 62 total complaints received
- 2021/22: 67 total complaints received
- 2022/23: 36 total complaints received

Complaints are broken down into the following categories:

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

The number of complaints about employees or contractors has increased dramatically:

- 2018/19: 21 performance complaints
- 2019/20: 23 performance complaints
- 2020/21: 35 performance complaints
- 2021/22: 40 performance complaints
- 2022/23: 17 performance complaints

An "administrative action" complaint is a complaint about action taken or failed to be taken by Council (as defined in section 268 of the *Local Government Act 2009*). Council saw a spike in administrative action complaints in the 2020/21 financial year, but the number of complaints has dropped since:

- 2018/19: 8 "administrative action" complaints
- 2019/20: 7 "administrative action" complaints
- 2020/21: 26 "administrative action" complaints
- 2021/22: 14 "administrative action" complaints
- 2022/23: 12 "administrative action" complaints

There were no complaints about a Council enterprise (this is the same as in 2021/22).

There was one privacy complaint (same as in 2021/22 and 2020/21) and three human rights complaints (compared to one in 2021/22 and 2020/21). The privacy complaint was resolved and two out of three of the human rights complaints were resolved. All complaints are managed in accordance with Council's Complaint Management Policy and Procedure and the Queensland Government's *Guide: Handling Human Rights Complaints* for compliance with the *Human Rights Act 2019* and any other applicable statutory requirements.

Council received seven (7) complaints about councillor conduct (compared to 15 in 2021/22 and one in 2020/21). This includes complaints received by Council and referred to the Office of the Independent Assessor (OIA) as well as complaints notified to Council by the OIA and dismissed by the OIA.

Complainants mainly used Council's website to lodge complaints, and these were often anonymous.

To streamline complaint management, and to minimise the number of the complaints that the CEO has to deal with, since March 2022 the Executive Director Corporate Services has had delegated power to decide complaints (with the exception of alleged corrupt conduct, complaints involving public interest disclosures, and complaints about the public official or the conduct or performance of Councillors).

Legal Services assesses each complaint upon receipt. Where appropriate, Council outsources complaints for independent external investigation. Legal Services requests quotes to assist with selecting a service provider to undertake each investigation.

Legal Services provides the CEO & EDCS with a status update every couple of months on complaints that sit with each of them respectively.

In FY2022/23, the Legal Services team has been working more closely with the executive team to ensure that complaints are actioned and resolved as efficiently as possible, in an effort to improve the response and handling time for complaints. This is resulting in a greater proportion of complaints being resolved than in previous years.

Council closed 50% (18 out of 36) of the complaints received in 2022/23, in addition to closing 12 complaints from previous years:

Reporting year	Number of complaints closed	Percentage of complaints closed
2018/19	26 out of 33 plus 11 from previous years	78%
2019/20	17 out of 31 plus 7 from previous years	54.84%
2020/21	29 out of 62 plus 12 from previous years	46.77%
2021/22	31 out of 67 plus 6 from previous years	46.27%
2022/23	18 out of 36 plus 12 from previous years	50%

There is room to improve this rate in the coming year.

The remaining 18 complaints from 2022/23 are ongoing, and there are an additional 14 complaints outstanding from previous years, though some of these complaints have since been resolved through a review with the Executive Director of Community Services and Executive Director Engineering Services.

Thus, the total number of ongoing complaints is 32 (compared to 43 in 2021/22, 38 in 2020/21, 17 in 2019/20, and 12 in 2018/19).

The 2019/20 audit noted Council's slow turnaround time on resolving complaints. The review of the Complaint Management Policy and Procedure in April 2021 did not result in a faster turnaround time for complaints. The delegation of many complaint decisions to the Executive Director Corporate Services (with certain exceptions) in March 2022 also has not significantly increased the turnaround time for complaints.

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

The Audit Committee previously recommended that all staff receive training on the complaints process. A Complaint Management Procedure Learning Module is being developed by Legal Services but was not ready for delivery in FY22/23. It remains as an action item, for delivery in FY23/24.

Considerations

Risk Management

Risk Assessment:

The proposed policy renewal is recommended for best-practice complaint management.

Audit risk:

The 2019/20 audit noted Council's slow turnaround time on resolving complaints. The review of the Complaint Management Policy and Procedure in April 2021 did not result in a faster turnaround time for complaints. The delegation of many complaint decisions to the Executive Director Corporate Services (with certain exceptions) in March 2022 also has not significantly increased the turnaround time for complaints. It appears that more resources are required in order to improve the turnaround time for complaints.

The Audit Committee previously recommended that all staff receive training on the complaints process. A Complaint Management Procedure Learning Module is being developed by Legal Services but was not ready for delivery in FY22/23. It remains as an action item, for delivery in FY23/24.

Reputational risk:

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

Council Finance

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

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

Consultation:

- Head of People & Wellbeing
- Office of the Independent Assessor
- Crime and Corruption Commission

Links to Strategic Plans:

TSIRC Corporate Plan 2020–2025

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

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

Statutory Requirements:

Local Government Act 2009

Local Government Regulation 2012

Crime and Corruption Act 2001

Human Rights Act 2019

Public Interest Disclosure Act 2010

Public Sector Ethics Act 1994

Conclusion:

It is recommended that Council resolve to renew the Complaint Management Policy, the Complaint (Public Official) Policy, the Public Interest Disclosure Policy and Management Program, and the Privacy Policy, and note the complaints annual report.

Attachments:

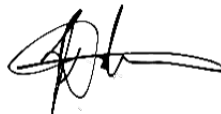
1. Reviewed Complaint Management Policy
2. Reviewed Complaint (Public Official) Policy
3. Reviewed Public Interest Disclosure Policy and Management Program
4. Reviewed Privacy Policy



Recommended:

Martin Leech

A/Executive Director Corporate Services



Approved:

James William

Chief Executive Officer

SUMMARY OF COMPLAINTS FOR FINANCIAL YEAR 2022/23

Complaint category*	Received in 2022/23	Ongoing 2022/23 Complaints	Closed in 2022/23^
A (about the performance of a Council employee, contractor or agent)	17 complaints (40 in 2021/22) (35 in 2020/21) (23 in 2019/20)	12 complaints plus 8 from previous years C/f 23 in 2021/22 (plus 1 from previous years)	5 complaints plus 16 from previous years C/f 17 in 2021/22 (plus 6 from previous years)
B (about “administrative action”, i.e. action or inaction taken/failed to be taken by Council)	12 complaints (14 in 2021/22) (26 in 2020/21) (7 in 2019/20)	3 complaints (plus 2 from previous years) C/f 8 in 2021/22 (plus 2 from previous years)	9 complaints (plus 8 from previous years) C/f 6 in 2021/22
C (about a Council enterprise)	Nil complaints (0 in 2021/22) (1 in 2020/21) (1 in 2019/20)	Nil complaints C/f Nil in 2021/22 (plus 1 from previous years)	Nil complaints (plus 1 from previous years) C/f Nil in 2021/22

Complaint category*	Received in 2022/23	Ongoing 2022/23 Complaints	Closed in 2022/23^
D (against a Councillor)	7 complaints (15 in 2021/22) (1 in 2020/21) (Nil in 2019/20)	3 complaints (plus 3 from previous years) C/f 5 in 2021/22 (plus 3 from previous years)	4 complaints (plus 5 from previous years) C/f 10 in 2021/22
E (privacy complaint)	1 complaint (1 in 2021/22) (1 in 2020/21) (Nil in 2019/20)	N/A	1 complaint (plus 1 from previous years)
F (human rights complaint)	3 complaints (1 in 2021/22) (1 in 2020/21)	1 complaint	2 complaints (plus 1 from previous years)

Complaint category*	Received in 2022/23	Ongoing 2022/23 Complaints	Closed in 2022/23^
Total actual complaints:	36 actual complaints (67 in 2021/22) (62 in 2020/21) (31 in 2019/20)	18 actual complaints (plus 14 from previous years) C/f 36 in 2021/22 (plus 7 from previous years)	18 actual complaints (plus 12 from previous years) C/f 31 in 2021/22 (plus 6 from previous years)

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

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

Complaint categories:

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

Complaint Management Policy

Responsible Manager

Chief Executive Officer

Head of power

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

Authorised by

Council

Authorised on

~~22 April 2021~~ INSERT

Implemented from

28 March 2017

Last reviewed

~~April 2021~~ July September 2022

Review history

2018, 2019, 2021, 2022, 2023

To be reviewed on

~~30 June 2022~~ 1 July 2023 October 2025

Corporate Plan

Art, Culture, People

1. Purpose

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

2. Application

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

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

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

3. Legislation/Policies

This policy is established with reference to obligations specified in the *Local Government Act 2009* (Qld), *Local Government Regulation 2012* (Qld), *Public Sector Ethics Act 1994* (Qld), *Public Interest Disclosure Act 2010* (Qld), *Human Rights Act 2019* (Qld) and *Crime and Corruption Act 2001* (Qld).

Policy Statement

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

Manager Responsible for Review:

Chief Executive Officer

Adoption: ~~22 April 2021~~ October 2023

Due for Revision: ~~30 June 2022~~ July 2023 October 2025

Chief Executive Officer

Complaint (Public Official) Policy

Responsible Manager

Chief Executive Officer

Head of power

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

Authorised by

Council

Authorised on

~~29 June 2021~~ INSERT September 2022

Implemented from

20 May 2019

Last reviewed

~~2021~~ 2022, 2023

Review history

2021, 2022, 2023

To be reviewed on

~~30 June 2022~~ 1 July 2023 October 2025

Corporate Plan

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

1. Purpose

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

2. Application

This policy applies:

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

For the purpose of this policy a complaint includes information or matter.¹

3. Legislation/Policies

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

This policy is designed to assist Council to:

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

4. Definitions & Interpretation

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

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

¹ See section 48(4) CC of the CC Act.

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

5. Nominated Person

- a. Having regard to section 48A(2) and (3) of the CC Act, this policy nominates Council's Mayor as the nominated person to notify² the CCC of the complaint and to deal with the complaint under the CC Act.³ The Mayor shall refer any such complaint for external investigation. Where the Mayor has a conflict of interest, the Mayor may nominate another Councillor as delegated nominated person.
- b. The CC Act applies as if a reference about notifying or dealing with the complaint to the public official/CEO is a reference to the nominated person.⁴

6. Complaints about the CEO

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

² Under ss37 or 38 of the CC Act.

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

⁴ See section 48A(3) CC Act.

- ii. a person to whom there is an obligation to report under an Act⁵ (this does not include an obligation imposed by sections 37, 38 and 39(1) of the CC Act).
- b. If there is uncertainty about whether or not a complaint should be reported, it is best to report it to the nominated person.
- c. If the nominated person reasonably suspects the complaint may involve corrupt conduct of the CEO, the nominated person must:
 - i. notify the CCC of the complaint,⁶ and
 - ii. deal with the complaint, subject to the CCC's monitoring role, when —
 - directions issued under section 40 apply to the complaint, if any, or
 - pursuant to section 46, the CCC refers the complaint to the nominated person to deal with.⁷
- d. If the CEO reasonably suspects that the complaint may involve corrupt conduct on their part, the CEO must:
 - i. report the complaint to the nominated person as soon as practicable and may also notify the CCC, and
 - ii. take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the elected Council.

7. Recordkeeping Requirements

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

8. Resourcing the Nominated Person

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

⁵ See section 39(2) of the CC Act.

⁶ Under section 38, subject to section 40 of the CC Act.

⁷ Under sections 43 and 44 of the CC Act.

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

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

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

9. Liaising with the CCC

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

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

10. Consultation with the CCC

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

Adoption: ~~29 June 2021~~ INSERT October 2023

Due for Revision: ~~30 June 2022~~ 1 July 2023 October 2025

Date:

Date:

James William

Chief Executive Officer

Add: PO Box 7336, Cairns, Queensland 4870

Tel: 07 4048 6203

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

Cr Phillemon Mosby

Mayor

Add: Poruma Island, Queensland 4875

Tel: 07 4034 5775

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

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

¹⁰ See section 34(c) CC Act.



Public Interest Disclosure Policy and Management Program

Responsible Manager	Chief Executive Officer
Head of power	<i>Public Interest Disclosure Act 2010</i> <i>Crime and Corruption Act 2001</i> <i>Local Government Act 2009</i> <i>Public Sector Ethics Act 1994</i> <i>Public Records Act 2002</i>
Authorised by	Council
Authorised on	20 April 2021 <u>July 2023</u> <u>October 2023</u>
Implemented from	April 2021
Last reviewed	N/A
Review history	2021, <u>2023</u>
To be reviewed on	April 2022 <u>July 2024</u> <u>October 2025</u>
Corporate Plan	Accountability: We are honest, reliable and ethical in all that we do.

1. Purpose

Torres Strait Island Regional Council (Council) is committed to fostering an ethical, transparent culture. In pursuit of this, Council values the disclosure of information about suspected wrongdoing in the public sector so that it can be properly assessed and, if necessary, appropriately investigated. Council will provide support to an employee or others who make disclosures about matters in the public interest. This Policy demonstrates this commitment and ensures that practical and effective procedures are implemented which comply with the requirements of the [Public Interest Disclosure Act 2010](#) (PID Act).

Council's Public Interest Disclosure Policy and Management Program is available for public viewing at www.tsirc.qld.gov.au. The Public Interest Disclosure Policy and Management Program will be reviewed annually and updated as required by the Manager Risk and Ethics to ensure it meets the requirements of the PID Act and the standards issued by the Queensland Ombudsman.

2. Application

This policy will be applied at all levels of the organisation and recognised and practiced by all Councillors, employees, contractors, and volunteers including those involved with any affiliated entity, program, or initiative.

By complying with the PID Act, Council will:

- promote the public interest by facilitating public interest disclosures (PIDs) of wrongdoing
- ensure that PIDs are properly assessed and, where appropriate, properly investigated and dealt with
- ensure appropriate consideration is given to the interests of persons who are the subject of a PID
- ensure protection from reprisal is afforded to persons making PIDs
- encourage internal reporting of wrongdoing as defined in the PID Act
- ensure the PID process is managed in accordance with the PID Act and appropriate confidentiality is maintained

3. Legislation/Policies

The *Public Interest Disclosure Act 2010* requires the Chief Executive Officer (CEO) to implement procedures to ensure that:

- any public officer who makes a PID is given appropriate support
- PIDs made to Council are properly assessed and, where appropriate, properly investigated and dealt with
- appropriate action is taken in relation to any wrongdoing which is the subject of a PID
- a management program for PIDs made to Council, consistent with the standards issued by the Queensland Ombudsman, is developed and implemented
- public officers who make PIDs are offered protection from reprisal by Council or other public officers of Council.

Other relevant legislation:

- *Crime and Corruption Act 2001*
- *Local Government Act 2009*
- *Public Sector Ethics Act 1994*
- *Public Records Act 2002*

Supporting Information:

- [Public Interest Disclosure Standard No. 1/2019](#)
- [Public Interest Disclosure Standard No. 2/2019](#)
- [Public Interest Disclosure Standard No. 3/2019](#)
- [Disclosure Fact sheet 1: What is a disclosure](#)
- [Disclosure Fact sheet 2: Checklist for making a disclosure](#)
- [Disclosure Fact sheet 3: Discloser information and support](#)

Related Council policies include:

- Fraud and Corruption Prevention Policy
- Complaint Management Policy
- Code of Conduct
- Risk Management Policy
- Complaint against Public Official (CEO) Policy

4. Definitions

What is a Public Interest Disclosure (PID)?

Providing information about wrongdoing in the public sector is commonly known as “whistleblowing”. The legal term for it is “making a public interest disclosure (PID)”.

Under the PID Act, any person can make a disclosure about a:

- substantial and specific danger to the health or safety of a person with a disability
- the commission of an offence, or contravention of a condition imposed under a provision of legislation mentioned in Schedule 2 of the PID Act, if the offence or contravention would be a substantial and specific danger to the environment
- reprisal because of a belief that a person has made or intends to make a disclosure.

In addition, public sector (including Local Government) employees can make a disclosure about the following public interest matters:

- corrupt conduct
- maladministration that adversely affects a person’s interests in a substantial and specific way
- a substantial misuse of public resources
- a substantial and specific danger to public health or safety
- substantial and specific danger to the environment.

A discloser can have either an ‘[honest belief](#)’ or ‘reasonable [grounds](#)’ that wrongdoing has occurred or provide evidence which tends to show the wrongdoing has occurred.

A disclosure amounts to a PID and is covered by the PID Act even if the:

- discloser reports the information as part of their duties – such as an auditor reporting a fraud or an occupational health and safety officer reporting a safety breach
- disclosure is made anonymously – the discloser is not required to give their name or any identifying information
- discloser has not identified the material as a PID – it is up to Council to assess information received and decide if it is a PID
- disclosure is unsubstantiated following investigation – the discloser is protected when the information they provide is assessed as a PID, whether or not it is subsequently investigated or found to be substantiated.

Key terms in the Public Interest Disclosure Policy and Management Program are defined here:

Term	Definition
Administrative action	<p>(a) means any action about a matter of administration, including, for example:</p> <ul style="list-style-type: none"> (i) a decision and an act; and (ii) a failure to make a decision or do an act, including a failure to provide a written statement of reasons for a decision; and (iii) the formulation of a proposal or intention; and (iv) the making of a recommendation, including a recommendation made to a Minister; and (v) an action taken because of a recommendation made to a Minister; and <p>(b) does not include an operational action of a police officer or of an officer of the Crime and Corruption Commission.</p>
Confidential information	<p>(a) includes —</p> <ul style="list-style-type: none"> (i) information about the identity, occupation, residential or work address or whereabouts of a person — <ul style="list-style-type: none"> (A) who makes a public interest disclosure; or (B) against whom a public interest disclosure has been made; and (ii) information disclosed by a public interest disclosure; and (iii) information about an individual's personal affairs; and (iv) information that, if disclosed, may cause detriment to a person; and <p>(b) does not include information publicly disclosed in a public interest disclosure made to a court, tribunal or other entity that may receive evidence under oath, unless further disclosure of the information is prohibited by law.</p>
Corrupt conduct	As defined in section 15 of the Crime and Corruption Act 2001

	<p>(1) Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <p>(a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—</p> <p>(i) a unit of public administration; or</p> <p>(ii) a person holding an appointment; and</p> <p>(b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that—</p> <p>(i) is not honest or is not impartial; or</p> <p>(ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or</p> <p>(iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and</p> <p>(c) would, if proved, be—</p> <p>(i) a criminal offence; or</p> <p>(ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.</p> <p>(2) Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <p>(a) impairs, or could impair, public confidence in public administration; and</p> <p>(b) involves, or could involve, any of the following—</p> <p>(i) collusive tendering;</p> <p>(ii) fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)—</p> <p>(A) protecting health or safety of persons;</p> <p>(B) protecting the environment;</p> <p>(C) protecting or managing the use of the State's natural, cultural, mining or energy resources;</p> <p>(iii) dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;</p> <p>(iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;</p> <p>(v) fraudulently obtaining or retaining an</p>
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	<p>appointment; and</p> <p>(c) would, if proved, be—</p> <ul style="list-style-type: none"> (i) a criminal offence; or (ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.
Detriment	<p>includes –</p> <ul style="list-style-type: none"> (a) personal injury or prejudice to safety; and (b) property damage or loss; and (c) intimidation or harassment; and (d) adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; and (e) financial loss; and (f) damage to reputation, including, for example, personal, professional or business reputation.
Disability	<p>As defined in section 11 of the Disability Services Act 2006, for the purposes of this procedure:</p> <ul style="list-style-type: none"> (1) A disability is a person's condition that— <ul style="list-style-type: none"> (a) is attributable to— <ul style="list-style-type: none"> (i) an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment; or (ii) a combination of impairments mentioned in subparagraph (i); and (b) results in— <ul style="list-style-type: none"> (i) a substantial reduction of the person's capacity for communication, social interaction, learning, mobility or self care or management; and (ii) the person needing support. (2) For subsection (1), the impairment may result from an acquired brain injury. (3) The disability must be permanent or likely to be permanent. (4) The disability may be, but need not be, of a chronic episodic nature.
Discloser	<p>A person who makes a disclosure in accordance with the Public Interest Disclosure Act 2010.</p>
Employee	<p>of an entity, includes a person engaged by the entity under a contract of service.</p>
Investigation	<p>For the purposes of this procedure, investigation includes any enquiry undertaken to establish whether the information provided in a PID can be substantiated, including a review or audit.</p>
Journalist	<p>a person engaged in the occupation of writing or editing material intended for publication in the print or electronic news media.</p>

Maladministration	<p>As defined in schedule 4 of the Public Interest Disclosure Act 2010, maladministration is administrative action that—</p> <ul style="list-style-type: none"> (a) was taken contrary to law; or (b) was unreasonable, unjust, oppressive, or improperly discriminatory; or (c) was in accordance with a rule of law or a provision of an Act or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory in the particular circumstances; or (d) was taken— <ul style="list-style-type: none"> (i) for an improper purpose; or (ii) on irrelevant grounds; or (iii) having regard to irrelevant considerations; or (e) was an action for which reasons should have been given, but were not given; or (f) was based wholly or partly on a mistake of law or fact; or (g) was wrong.
Natural justice	<p>Natural justice, also referred to as 'procedural fairness' applies to any decision that can affect the rights, interests or expectations of individuals in a direct or immediate way. Natural justice is at law a safeguard applying to an individual whose rights or interests are being affected.</p> <p>The rules of natural justice, which have been developed to ensure that decision-making is fair and reasonable, are:</p> <ul style="list-style-type: none"> • avoid bias; and • give a fair hearing. • act only on the basis of logically probative evidence.
Organisational support	<p>For the purposes of this procedure, organisational support means actions such as, but not limited to:</p> <ul style="list-style-type: none"> • providing moral and emotional support • advising disclosers about agency resources available to handle any concerns they have as a result of making their disclosure • appointing a mentor, confidante or other support officer to assist the discloser through the process • referring the discloser to the agency's Employee Assistance Program or arranging for other professional counselling • generating support for the discloser in their work unit where appropriate • ensuring that any suspicions of victimisation or harassment are dealt with • maintaining contact with the discloser • negotiating with the discloser and their support officer a formal end to their involvement with the support program when it is agreed that they no longer need

	assistance.
Proper authority	A person or organisation that is authorised under the Public Interest Disclosure Act 2010 to receive disclosures.
Public officer	A public officer, of a public sector entity, is an employee, member or officer of the entity.
Reasonable belief	A view which is objectively fair or sensible.
Reasonable management action	<p>Action taken by a manager in relation to an employee, includes any of the following taken by the manager—</p> <ul style="list-style-type: none"> (a) a reasonable appraisal of the employee's work performance; (b) a reasonable requirement that the employee undertake counselling; (c) a reasonable suspension of the employee from the employment workplace; (d) a reasonable disciplinary action; (e) a reasonable action to transfer or deploy the employee; (f) a reasonable action to end the employee's employment by way of redundancy or retrenchment; (g) a reasonable action in relation to an action mentioned in paragraphs (a) to (f); (h) a reasonable action in relation to the employee's failure to obtain a promotion, reclassification, transfer or benefit, or to retain a benefit, in relation to the employee's employment.
Reprisal	<p>The term 'reprisal' is defined under the Public Interest Disclosure Act 2010 as causing, attempting to cause or conspiring to cause detriment to another person in the belief that they or someone else:</p> <ul style="list-style-type: none"> • has made or intends to make a disclosure; or • has been or intends to be involved in a proceeding under the disclosure Act against any person. <p>Reprisal under the Public Interest Disclosure Act 2010 is a criminal offence and investigations may be undertaken by the Queensland Police Service.</p>
Subject officer	An officer who is the subject of allegations of wrongdoing made in a disclosure.
Substantial and specific	<p>Substantial means 'of a significant or considerable degree'. It must be more than trivial or minimal and have some weight or importance.</p> <p>Specific means "precise or particular". This refers to conduct or detriment that is able to be identified or particularised as opposed to broad or general concerns or criticisms.</p>

5. Roles and Responsibilities

The CEO has overall responsibility for ensuring that Council develops, implements and maintains a PID management program. Council's PID management program encompasses:

- commitment to encouraging the internal reporting of wrongdoing
- senior management endorsement of the value to Council of PIDs and the proper management of PIDs
- a communication strategy to raise awareness among employees about PIDs and Council's PID procedure
- a training strategy to give employees access to training about how to make a PID, information on the support available to a discloser, and advice on how PIDs will be managed
- specialist training and awareness about PIDs for senior management and other staff who may receive or manage PIDs, disclosers or workplace issues relating to PIDs
- the appointment of specific officers, with a designated alternative officer if needed, to be responsible for issues related to the management of PIDs
- ensuring effective systems and procedures are in place so that issues and outcomes from PIDs inform improvements to service delivery, business processes and internal controls
- ensuring that Council personnel making a PID receive support and protection from reprisal
- all legislative obligations in relation to reporting and investigation are met
- regular review of the Public Interest Disclosure Policy and evaluation of the effectiveness of the PID management program

The Chief Executive Officer has designated the following roles and responsibilities for managing PIDs within Council:

Role:	Responsibilities:	Officer:
PID Coordinator	<ul style="list-style-type: none"> ▪ principal contact for PID issues within Council ▪ document and manage implementation of PID management program ▪ review and update PID policy and management program annually ▪ regularly evaluate and monitor the effectiveness of PID procedures ▪ maintain and update internal records of PIDs received ▪ report data on 	<p>Primary: Manager Legal Services <u>Senior Legal Officer</u> Julia Maurous p: (07) 4034 5763 m: 0474 951 282 e: julia.maurus@tsirc.qld.gov.au julia.maurus@tsirc.qld.gov.au</p> <p>Secondary: Administration Officer Executive Services <u>Legal and Corporate Administrator</u> Cathy David p: (07) 4034 5734 e: cathy.david@tsirc.qld.gov.au</p>

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	<p>PIDs to Queensland Ombudsman</p> <ul style="list-style-type: none"> ▪ assess PIDs received ▪ provide acknowledgment of receipt of PID to discloser ▪ undertake risk assessments in consultation with disclosers and other relevant officers ▪ liaise with other agencies about referral of PIDs ▪ allocate Investigator and Support Officer to PID matter 	
PID Support Officer	<ul style="list-style-type: none"> ▪ provide advice and information to discloser on Council PID and Complaints Management procedures ▪ provide personal support and referral to other sources of advice or support as required ▪ facilitate updates on progress of investigation ▪ inform the discloser of reasonable information throughout PID management process 	<p>Primary: Senior Legal Officer Julia Mauro p: (07) 4034 5763 m: 0474 951 282 e: julia.mauro@tsirc.qld.gov.au</p> <p>Primary: Manager Risk and Ethics Norida Carr p: (07) 4034 5727 m: 0437 519 533 e: norida.carr@tsirc.qld.gov.au</p> <p>Secondary: Head of People and Wellbeing p: (07) 4034 5778 m: 0436 930 442 e: peopleandwellbeing@tsirc.qld.gov.au</p>
Investigator	<ul style="list-style-type: none"> ▪ conduct investigation of information in PID in accordance with terms of reference ▪ prepare report for 	<p>An appropriate internal or external investigator will be appointed for each PID investigated depending upon the type of disclosure and other relevant considerations.</p>

	delegated decision-maker	
Delegated decision-maker	<ul style="list-style-type: none"> ▪ review investigation report and determine whether alleged wrongdoing is substantiated 	An appropriate decision-maker will be appointed for each PID investigated.
Executive Management Team, Department Heads and Managers, Coordinators and Supervisors	<ul style="list-style-type: none"> ▪ report to the PID Coordinator any PIDs reported to them ▪ maintain an ethical culture and lead by example ▪ provide clear guidance to Council personnel on how to handle complex issues which may involve corrupt conduct, while maintaining confidentiality and the principles of natural justice or procedural fairness ▪ ensure that Council personnel in their business area are aware of their obligations in relation to the requirements of the PID Act ▪ continually monitor and assess the workforce for signs of reprisals against a Discloser or Subject Officer under the principles of natural justice or procedural fairness and take appropriate actions to protect 	All Executive Management Team, Department Heads and Managers, Regional and Divisional Managers. Coordinators and Supervisors

	<p>that person or persons</p> <ul style="list-style-type: none"> ▪ ensure that, if PID allegations are substantiated, investigation and recommendations are implemented quickly to reduce the risk of reoccurrence ▪ notify the PID Coordinator in situations where any detrimental actions are taken against the Discloser and discuss concerns and options for addressing the situation before it escalates 	
All Council Personnel	<ul style="list-style-type: none"> ▪ report PIDs in accordance with this Policy ▪ conduct their duties to high level of professional and ethical standards and act in the public interest in accordance with the Code of Conduct ▪ maintain confidentiality protocols established for the management and investigation of PIDs 	All Council Personnel

6. Public Interest Disclosure Management Process

Employees who are prepared to speak up about public sector misconduct, wastage of public funds, suspected unlawful activity or danger to health, safety or the environment can be the most important sources of information to identify and address problems in public sector administration. Council supports the disclosure of information about wrongdoing because:

- implementing systems for reporting and dealing with wrongdoing contributes to the integrity of Council
- the outcomes of PIDs can include improvements to systems that prevent fraud and other economic loss to Council
- the community's trust in public administration is strengthened by having strong processes in place for reporting wrongdoing.

When making a PID the discloser receives the protections provided under the PID Act, including:

- confidentiality – the discloser's name and other identifying information will be protected to the extent possible
- protection against reprisal – the discloser is protected from unfair treatment by Council and employees of Council as a result of making the PID. [It is an offence to take reprisal action against a discloser.](#)
- immunity from liability – the discloser cannot be prosecuted, [or be made subject to administrative or disciplinary action](#) for disclosing the information but is not exempt from action if they have engaged in wrongdoing
- protection from defamation – the discloser has a defence against an accusation of defamation by any subject officer.

Who can a PID be disclosed too?

A PID must be made to the 'proper authority' to receive disclosures of the type being made.

Disclosers are encouraged to make a disclosure to an appropriate officer of Council first. If the matter is not resolved, or the discloser is concerned about confidentiality, the disclosure may be made to another appropriate agency.

Who to contact within Council:	Other agencies that can receive PIDs:
<p>Any person (including employees) can make a disclosure to:</p> <ul style="list-style-type: none"> • any person in a supervisory or management position • the Chief Executive Officer • via an online form under the Contact Us - Complaints Process on Council's website (this may be anonymous) www.tsirc.qld.gov.au/make-complaint 	<p>Disclosures can be made to an agency that has a responsibility for investigating the information disclosed:</p> <ul style="list-style-type: none"> • Crime and Corruption Commission (CCC) for disclosures about corrupt conduct including reprisal • Queensland Ombudsman for disclosures about maladministration • Queensland Audit Office for disclosures about a substantial misuse of resources • Department of Child Safety, Youth and Women for disclosures about danger to the health and safety of a child or young person with a disability • Department of Communities, Disability Services and Seniors for disclosures about danger to the health and safety of a person with a disability • Office of the Public Guardian for disclosures about danger to the health and safety of a person with a disability • Department of Environment and Science

	<p>disclosures about danger to the environment</p> <ul style="list-style-type: none"> • A Member of the Legislative Assembly (MP) for any wrongdoing or danger • The Chief Judicial Officer of a court or tribunal in relation to a disclosure about wrongdoing by a judicial officer.
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A disclosure can also be made to a journalist if the following conditions have been met:

a valid PID was initially made to a proper authority, and

- the proper authority:
 - decided not to investigate or deal with the disclosure, or
 - investigated the disclosure but did not recommend taking any action, or
 - failed to notify the discloser within six months of making the disclosure whether or not the disclosure was to be investigated or otherwise dealt with.

A person who makes a disclosure to a journalist in these circumstances is protected under the PID Act. However, disclosers should be aware that journalists are not bound under the confidentiality provisions of section 65 of the PID Act.

If you are a Council or public sector employee and you inform a journalist of suspected corruption without first reporting it to a proper authority, you are not covered by any legal protection (that is, under the PID Act) from reprisal.

How to make a PID

A discloser can make a PID in any way, including anonymously, either verbally or in writing. To assist in the assessment, and any subsequent investigation of a PID, disclosers are requested to:

- provide contact details (this could be an email address that is created for the purpose of making the disclosure or a telephone number [to protect anonymity](#))
- provide as much information as possible about the suspected wrongdoing, including:
 - who was involved
 - what happened
 - when it happened
 - where it happened
 - whether there were any witnesses, and if so who they are
 - any evidence that supports the PID, and where the evidence is located
 - any further information that could help investigate the PID
- provide this information in writing.

Any personal information you consent to give us when you complete our complaint forms (online or paper) is used only for a clear and lawful purpose, as explained on the form. Any correspondence you send us will be kept as a public record and stored according to our legislated obligations.

Council will acknowledge receipt of the complaint or notification within 24 hours.

Anonymous Disclosure

You do not have to give your name, contact details or any other details that will identify who you are or where you work. However, you should be aware that if Council cannot contact

you (for example, we need further information), we may be unable to investigate your complaint fully or to let you know what happened.

The likelihood of a successful outcome is greatly increased if, when making either a verbal or written disclosure, the discloser's identity is known. Nonetheless, anonymous disclosures will still be received and where possible, investigated.

If it is decided to disclose anonymously, the Discloser will need to provide sufficient information for the matter to be investigated, as it will not be possible for Council to go back to the Discloser for clarification or additional information to enable proper assessment and investigation of the PID.

Anonymous disclosures exempt themselves from Council's commitment to keeping Disclosers informed on the progress of handling the PID. They cannot be informed of the investigation outcome by reason of their anonymity and as a result, although some of the protections afforded by the PID Act will continue to apply they may not apply to them be more difficult for Council to identify and therefore protect.

Information to Disclose

To ensure a comprehensive and successful investigation of perceived wrongdoing, persons making a PID are encouraged to provide all known information that might be relevant, including:

- the circumstances of the incident/matter including dates, times and locations;
- the details of Council personnel or others involved; and
- possible sources of additional information or evidence to support the PID

A person may make a public interest disclosure about:

- events that happened or may have happened, whether before or after the commencement of the PID Act; or
- events that are ~~or~~ may be happening; or
- events that will or may happen.

Deciding whether a matter is a PID

If there is any doubt as to whether a matter is a PID, further information may be obtained to inform the decision. If doubt remains, the matter will be considered and managed as a PID.

Mere disagreements over policy do not meet the threshold for a PID under the PID Act.

It is an offence under the PID Act to intentionally give false or misleading information intending it be acted on as a PID. Employees may be subject to disciplinary action for intentionally giving false or misleading information in a PID, or during an investigation into a PID.

Where a discloser states they are making a PID, but it is assessed that the matter is not a PID Council will advise the discloser:

- that their information has been received but was not assessed as a PID
- the reasons for the decision
- the review rights available if the discloser is dissatisfied with the decision and how to request review
- any action Council proposes to take in relation to the matter
- any other options the discloser has in relation to the matter.

Assessing a PID

The disclosure will be assessed in accordance with the PID Act, the PID standards, Council's Public Interest Disclosure Policy, Council's Complaints Management Procedure, and any other relevant procedure(s).

Once the matter has been assessed as a PID, Council will advise the discloser as early as practicable, but no later than 14 days after the receipt of the notification:

- that their information has been received and assessed as a PID
- the action to be taken by Council in relation to the disclosure, which could include referring the matter to an external agency, or investigating
- the likely timeframe involved
- the name and contact details of the Council support officer they can contact for updates or advice
- of the discloser's obligations regarding confidentiality
- the protections the discloser has under the PID Act
- the commitment of Council to keep appropriate records and maintain confidentiality, except where permitted under the PID Act
- how updates regarding intended actions and outcomes will be provided to the discloser
- contact details for the Council's Employee Assistance Program.

If the PID has been made anonymously and the discloser has not provided any contact details, Council will not be able to acknowledge the PID or provide any updates.

Referring a PID

If Council decides there is another proper authority that is better able to deal with the PID, the PID may be referred to that agency. This may be because:

- the PID concerns wrongdoing by that agency or an employee of that agency
- that agency has the power to investigate or remedy the matter.

Before referring the PID to another agency, Council will conduct a risk assessment, and will not proceed with the referral if there is an unacceptable risk of reprisal.

It may also be necessary to refer the PID to another agency because of a legislative obligation, for example, refer a matter to the Crime and Corruption Commission where there is a reasonable suspicion that the matter involves or may involve corrupt conduct (as required by section 38 of the [Crime and Corruption Act 2001](#)).

The confidentiality obligations of the PID Act permit appropriate officers of Council to communicate with another agency about the referral of a PID. Officers will exercise discretion in their contacts with any other agency.

The discloser will be advised of the action taken by Council.

Risk assessment and protection from reprisal

Disclosers should not suffer any form of detriment because of making a PID. Upon receiving a PID, Council will conduct a risk assessment to assess the likelihood of the discloser (or witnesses or affected third parties) suffering reprisal action because of having made the disclosure. This assessment will take into account the actual and reasonably perceived risk of the discloser (or witnesses or affected third parties) suffering detrimental actions and will include consultation with the discloser.

A risk assessment will be undertaken if the discloser is anonymous based on information available in the PID. The risk assessment will also consider the risk to persons who may be suspected of making the PID.

Consistent with the assessed level of risk, Council will develop and implement a risk management plan and arrange any reasonably necessary support or protection for the discloser (or witnesses or affected third parties).

Council will regularly reassess the risk of reprisal while the PID is being managed, in consultation with the discloser, and review the risk management plan if required.

In the event of reprisal action being alleged or suspected, Council will:

- attend to the safety of the discloser (or witnesses or affected third parties) as a matter of priority
- review its risk assessment, risk management plan and any protective measures needed to mitigate any further risk of reprisal
- manage any allegation of a reprisal as a PID in its own right.

Declining to take action on a PID

Under the PID Act, the Council may decide not to investigate or deal with a PID in various circumstances, including:

- the information disclosed has already been investigated or dealt with by another process
- the information disclosed should be dealt with by another process
- the age of the information makes it impractical to investigate
- the information disclosed is too trivial and dealing with it would substantially and unreasonably divert Council from the performance of its functions
- another agency with jurisdiction to investigate the information has informed Council that an investigation is not warranted.

If a decision is made not to investigate or deal with a PID Council will give the discloser written reasons for that decision.

If the discloser is dissatisfied with the decision, they can request a review by writing to the Chief Executive Officer of Council within 28 days of receiving the written reasons for decision.

Communication with disclosers

Under the PID Act, Council must give reasonable information to a discloser.

Council will acknowledge receipt of the PID in writing as soon as practicable. The discloser will be provided with information that meets the requirements of the PID Act and the standards issued by the Queensland Ombudsman, including:

- the action that will be taken in response to the PID
- the protections under the PID Act
- confidentiality obligations of the discloser and Council
- support arrangements.

Council will maintain contact with the discloser and provide regular updates during the management of the PID.

In accordance with the PID Act, after finalising action in response to the PID, Council will advise the discloser in writing of the action taken and the results of the action.

Confidentiality

While Council will make every attempt to protect confidentiality, a discloser's identity may need to be disclosed to:

- provide natural justice to subject officers
- respond to a court order, legal directive or court proceedings.

Council will ensure that communication with all parties involved will be arranged discreetly to avoid identifying the discloser wherever possible.

Disclosers should be aware that while Council will make every attempt to keep their details confidential, it cannot guarantee that others will not try to deduce their identity.

Support for Disclosers

Council recognises that providing appropriate support to a discloser is an important feature of effective PID management.

An assessment will be undertaken to identify the support needs of the discloser. Where appropriate, a PID Support Officer will be assigned to the discloser. The PID Support Officer will assist the discloser to access information about PIDs, protections available under the PID Act and the PID management process. The PID Support Officer will proactively contact the discloser to offer support.

Information and support will be provided to the discloser until the matter is finalised.

Making a PID does not prevent reasonable management action. That means that the discloser will be continue to be managed in accordance with normal, fair and reasonable management practices during and after the handling of the PID.

Investigating a PID

If a decision is made to investigate a PID, this will be done with consideration for the:

- principles of natural justice
- obligation under the PID Act to protect confidential information
- obligation under the PID Act to protect officers from reprisal
- interests of subject officers.

Investigations will be carried out under the processes contained in Council's Complaint Management Procedure (SPO9-PR1).

If because of investigation, the information about wrongdoing provided in the PID is substantiated, appropriate action will be taken.

Where the investigation does not substantiate wrongdoing, Council will review systems, policies and procedures to identify whether there are improvements that can be made and consider if staff training is required.

Reporting Responsibilities

The PID Coordinator is responsible for recording and reporting information regarding PIDs received by Council. The PID Coordinator will maintain a record of each PID which includes:

- The name of the person making the PID (if known)
- The subject of the PID
- Any action taken on the PID
- Any other information needed to comply with the reporting requirements of the Queensland Ombudsman

Conflict of Interest/Material Personal Interest in PID Investigation

Conflict of interest (real or perceived) is required to be declared and shall be governed by Council's Conflict of Interest Policy in the following:

- relationship between Discloser and Investigating Officer
- relationship between Subject Officer and Investigating Officer
- relationship between Discloser and Decision-Maker

Rights of Subject Officers

Council acknowledges that for officers who are the subject of a PID the experience may be stressful. Council will protect their rights by:

- assuring them that the PID will be dealt with impartially, fairly and reasonably in accordance with the principles of natural justice
- confirming that the PID is an allegation only until information or evidence obtained through an investigation substantiates the allegation
- providing them with information about their rights and the progress and outcome of any investigation
- referring them to the Employee Assistance Program for support.

Information and support will be provided to a subject officer until the matter is finalised.

Record-keeping

In accordance with its obligations under the PID Act and the [Public Records Act 2002](#), Council will ensure that:

- accurate data is collected about the receipt and management of PIDs
- anonymised data is reported to the Office of the Queensland Ombudsman in their role as the oversight agency, through the PID reporting database.

Records about disclosures, investigations, and related decisions will be kept secure and accessible only to appropriately authorised people involved in the management of the PID.

Further Information and Advice

Internal – refer to Section 5, Roles and Responsibilities

External – Queensland Ombudsman Advisory Service

The Queensland Ombudsman has been allocated responsibility for providing advice and guidance to public sector entities and officials to meet their responsibilities created under the *Public Sector Ethics Act 1994* and the *Public Interest Disclosure Act 2010*.

Email pidadmin@ombudsman.qld.gov.au or phone 1800 068 908 for more information about this service.

Manager Responsible for Review:

Chief Executive Officer

Adoption: ~~21 April 2024~~ [October 2023](#)

~~David Baldwin~~ [James William](#)

Due for Revision: ~~April 2022~~ [October 2025](#)

~~A/~~ Chief Executive Officer



Privacy Policy

Responsible Manager Executive Director, Corporate Services

Head of power *Local Government Act 2009 (Qld)*
Right to Information Act 2009 (Qld)
Information Privacy Act 2009 (Qld)
Human Rights Act 2019 (Qld)
Acts Interpretation Act 1954 (Qld)
Crime and Corruption Act 2001 (Qld)
Public Records Act 2002 (Qld)

Authorised by Council

Authorised on ~~15 February 2022~~

Implemented from 2013

Last reviewed ~~February 2023~~ ~~July 2023~~ ~~October 2023~~ ~~2022~~

Review history 2013, 2014, 2015, 2017, ~~2022~~, ~~2023~~

To be reviewed on ~~June 2023~~ ~~July 2025~~ ~~4~~

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

1. Purpose

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

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

Information on the collection and storage of information and requests for information can be found on Council's website at:

1. <https://www.tsirc.qld.gov.au/privacy>; and

2. <https://www.tsirc.qld.gov.au/your-council/laws-obligations/right-information>.

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2. Application

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

3. Legislation/Policies

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

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

Manager Responsible for Review:

Executive Director Corporate Services

Adoption:

~~15 February 2022~~

~~Hollie Faithfull~~ James William

Due for Revision:

~~June 2023~~ July 2025

~~A/~~Chief Executive Officer



TORRES STRAIT ISLAND REGIONAL COUNCIL

COUNCIL REPORT

ORDINARY MEETING:	October 2023
DATE:	24/25 October 2023
ITEM:	Agenda Item for Resolution
SUBJECT:	Policy Matter: Risk Management Policy
PRESENTER:	Martin Leech, A/Executive Director Corporate Services

Recommendation:

That Council resolves to:

1. endorse the Torres Strait Island Regional Council's Risk Management Policy, in the terms presented to Council
- 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 policy.

Executive Summary:

In accordance with Local Government Act 2009 and the Local Government Regulation 2012, Council is required to adopt robust risk management processes and procedures.

Council is committed to adopting effective enterprise-wide risk management in its long-term planning and decision making, as well as its immediate responses to risk in all aspects of Council's functions and operations.

Council adopted a Risk Management Policy in August 2020, but this policy had not been revisited since that date and the effective management of risk has diminished since August 2022, when the Manager of Risk & Ethics left Council.

Council engaged the services of a risk management specialist consultant to review our risk registers to determine their:

- a) Currency
- b) Completeness
- c) Quality

The review undertaken resulted in all outdated risk entries being addressed and rectified.

However, the review identified that the risk policy was outdated and required a complete re-drafting to ensure it meets the requirements of local government regulations and current best practice.

The attached policy strengthens the internal control environment of Council, ensuring the continuing improvement in Council governance.

Comment:

Torres Strait Island Regional Council has an obligation to act in accordance with the local government principles set out at Section 4 of the Local Government Act 2009, namely ensure:

- (a) transparent and effective processes, and decision-making in the public interest;
- (b) the sustainable development and management of assets and infrastructure, and delivery of effective services;
- (c) democratic representation, social inclusion and meaningful community engagement;
- (d) good governance of, and by, local government; and
- (e) the ethical and legal behaviour of councillors, local government employees and councillor advisors.

Section 207 of the *Local Government Regulation 2012* requires Council's 'internal audit plan' to detail:

- (a) the way in which the operational risks have been evaluated; and
- (b) the most significant operational risks identified from the evaluation; and
- (c) the control measures that the local government has adopted, or is to adopt, to manage the most significant operational risks.

Section 164(1) of the Local Government Regulation 2012 requires a local government to keep written records stating:

- (a) the risk the local government's operations are exposed to, to the extent they are relevant to financial management; and
- (b) the control measures adopted to manage the risks.

The new policy addresses these requirements.

The new policy defines (in Sections 7 to 11) minimum requirements for the management of risk at Torres Strait Island Regional Council. Details of process and guidance can be found in the Torres Strait Island Regional Council Risk Management Guidelines document.

All departments will maintain an operational risk register. The risk registers will be consolidated with Strategic Risks to form the Enterprise Risk Register. Council Risk Registers will be recorded and maintained in the RiskWare software platform.

Council will measure risk using a 5 x 5 matrix of likelihood and consequence. These are described in the appendices to the policy.

Council also needs to develop a Risk Appetite that defines the type and amount of risk that Council is able and willing to absorb. The Policy sets out four risk appetite levels which will be reassessed periodically as the risk management environment develops within Council.

This policy applies to all Councillors, employees, contractors, and volunteers including those involved with any affiliated entity, program, or initiative.

Risk Management will be applied across all areas and levels of Torres Strait Island Regional Council activities, including strategies and decisions, operational compliance, asset management, financial management, business continuity plans, data and information management and work, health and safety management.

Consultation:

- Andrew Clarkson
- MacDonnells Law

Links to Strategic Plans:

People: Outcome 4

Sustainability: Outcome 8

Risk:

1. There is a risk to Council and Councillors if Council does not endorse the updated Risk Management Policy, as the current policy is significantly out of date and does not provide a comprehensive framework within which Council can manage risk within its operational activities.
2. There is a reputational risk to Council if Council decides not to adopt the recommendations in this report, as there is a requirement to note the reason for not adopting Officer recommendations in the minutes of a meeting, as per section 254H of the *Local Government Regulation 2012*.

Statutory Requirements:

Local Government Act 2009

Local Government Regulation 2012

Recommendation:

That Council resolves to:

1. endorse the Torres Strait Island Regional Council's Risk Management Policy, in the terms presented to Council;

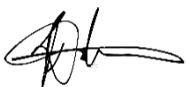
and

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 policy.

**Recommended/Endorsed:**

Martin Leech

Acting Executive Director Corporate Services

**Approved:**

James William

Chief Executive Officer

Attachment:

1. Risk Management Policy

Risk Management Policy

Responsible Manager	Executive Director Corporate Services
Head of power	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i>
Authorised by	Council
Authorised on	24 October 2023
Implemented from	1 November 2023
Last reviewed	2023
Review history	2020
To be reviewed	November 2025
Corporate Plan	Sustainability

1. Purpose

Torres Strait Island Regional Council is committed to effective enterprise wide risk management in long term planning, decision making, and immediate responses to risk in all aspects of Council's functions and operations.

The implementation of this policy, supported by related policies, capabilities, systems and processes, will ensure that a consistent risk management approach is applied across Council so that risks are effectively managed in the achievement of the strategic and operational objectives which include:

- Torres Strait Island Regional Council conducting itself as a responsible and ethical organisation, protecting employees, volunteers, and visitors from harm, in accordance with Corporate Plan objectives;
- Protecting Council's tangible and intangible assets from loss or damage;
- Ensuring compliance to a diverse range of statutory and regulatory requirements, internal policies, and documented risk treatment plans;
- Establishing the right balance between the control and the risks Council is willing to seek and accept in the environment within which it operates; and
- Protecting and enhancing Council's reputation.

Torres Strait Island Regional Council will manage risk in accordance with AS ISO 31000:2018 – Risk Management – Guidelines.

Torres Strait Island Regional Council will consistently apply the management of risk across all areas and levels of council.

2. Application

This policy applies to all Councillors, employees, contractors, and volunteers including those involved with any affiliated entity, program, or initiative.

Risk Management will be applied across all areas and levels of Torres Strait Island Regional Council activities, including strategies and decisions, operational compliance, asset management, financial management, business continuity plans, data and information management and work, health and safety management.

3. Legislation/Policies

This policy is established with reference to obligations specified in the Local Government Act 2009 and Local Government Regulation 2012.

Torres Strait Island Regional Council has an obligation to act in accordance with the local government principles set out at Section 4 of the Local Government Act 2009, namely ensure:

- (a) transparent and effective processes, and decision-making in the public interest;
- (b) the sustainable development and management of assets and infrastructure, and delivery of effective services;
- (c) democratic representation, social inclusion and meaningful community engagement;
- (d) good governance of, and by, local government; and
- (e) the ethical and legal behaviour of councillors, local government employees and councillor advisors.

Section 207 of the *Local Government Regulation 2012* requires Council's 'internal audit plan' to detail:

- (a) the way in which the operational risks have been evaluated; and
- (b) the most significant operational risks identified from the evaluation; and
- (c) the control measures that the local government has adopted, or is to adopt, to manage the most significant operational risks.

Section 164(1) of the *Local Government Regulation 2012* requires a local government to keep written records stating:

- (a) the risk the local government's operations are exposed to, to the extent they are relevant to financial management; and
- (b) the control measures adopted to manage the risks.

The International Risk Management Standard ISO 31000:2018 reinforces the practical integration of risk management into key decision-making processes and is used to create and protect value in organisations by managing risks, making decisions, setting and achieving objectives and improving performance.

Other guiding documents have been issued by the Queensland Audit Office, Crime and Corruption Commission and Local Government Mutual Services.

4. Definitions

Term	Definition
Control	A thing or action that influences the likelihood and/or consequence of a risk event by: <ul style="list-style-type: none">• Preventing the risk event• Detecting the occurrence of a risk event• Mitigating the consequence of a risk event.
Control effectiveness	An assessment of the effectiveness of a control by considering: <ul style="list-style-type: none">• Design – should the control work?• Operation – is the control in place or operating as designed?
Inherent Risk	The level of risk as expressed as a function of risk likelihood and risk consequence before the impact of controls.
Key control	Where multiple controls may impact a risk, the most impactful control is the key control.
Material Risk	Risk with a residual risk rating of 'high' or 'extreme'.
Residual Risk	The level of risk as expressed as a function of risk likelihood and risk consequence, after the impact of controls.

Term	Definition
Risk	Risk is defined by the Australian Standard for Risk Management as the “effect of uncertainty on objectives”. A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. Risk is measured in terms of a combination of the consequences of an event and their likelihood.
Risk Appetite	The level of tolerance established by Council for classes or risk or risk class outside of which TSIRC may only operate with express permission from Council.
Risk Cause	A risk cause is a condition or other event that will cause a risk to take place.
Risk Class	A collection of similar risks events.
Risk Consequence	The impact of a risk event occurring.
Risk Event	Risks events are events that might or might not happen in a set period of time, impacting the organisations performance and achievement of objectives.
Risk Likelihood	The probability of a risk event occurring.
Risk Management	Coordinated activities to direct and control a risk.
Risk Owner	The Council officer who has control of or is performing or undertaking a task where there is a Risk of a Risk Event occurring.
Risk Register	A record of information about risks controls and treatments
Risk Treatment	Changes to existing controls or the implementation of new controls to reduce residual risk.
Target Risk	Where the residual risk is considered too high by the Risk Owner, or is outside of appetite, a target or desirable risk rating may be identified which will be achieved by the completion of risk treatment.

5. Roles and Responsibilities

Role	Responsibility
Torres Strait Island Regional Council (Council)	<p>The Council will:</p> <ul style="list-style-type: none"> • retain ultimate responsibility for risk management; • set an expectation for a positive risk culture; • establish and communicate its risk appetite, guiding itself and management in their actions and ability to accept and manage risks; • review the Risk Management Policy in accordance with the risk rating of the document or more frequently as circumstances require • comply with its reporting requirements to the Audit Committee, as required by Section 207 of the <i>Local Government Act</i> (Qld); and • receive, consider, and action as appropriate, risk management reporting from the CEO and the Audit Committee.
Chief Risk Officer (CRO)	<p>The CRO (Executive Director Corporate Service) is responsible for Council's risk management operations, including:</p> <ul style="list-style-type: none"> • managing, identifying, evaluating, reporting, and overseeing the firm's risks to Council; • working collaboratively with the CEO, other Executive Directors, the Audit Committee and Councillors; and • fostering a positive risk management culture at the executive level.
Audit Committee	<p>The role of the Audit Committee (an advisory committee of the Council) is to support Council in fulfilling its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, internal and external audit functions and ethical accountability. This includes:</p> <ul style="list-style-type: none"> • supporting Councillors to discharge their responsibilities; • monitoring reports of systems and processes to ensure that Council's material risks and risk profiles are appropriately identified, assessed, managed, monitored and reviewed; • liaising with the CEO and CRO to ensure the development and implementation of appropriate Risk Management policies and procedures; • evaluating and monitoring the adequacy of control systems and management actions, by reviewing internal audit reports annually; and • reviewing risk reporting and making recommendations to the Council in respect of key risk issues arising during its deliberations.

Role	Responsibility
Chief Executive Officer (CEO)	<p>The CEO is responsible for ensuring:</p> <ul style="list-style-type: none"> • Leading from the top – ensuring risk management activities, are carried out effectively within Council in accordance with this Policy and setting an example for a positive risk management culture. • Supporting and appropriately resourcing the CRO in the discharge of their duties. • Ensuring reporting of significant risks across Council is undertaken and reviewed during decision making and planning. • Holding management and workers to account for their responsibilities with respect to risk management.
Risk Manager	<p>The Risk Manager is responsible for:</p> <ul style="list-style-type: none"> • Supporting the CRO in the performance of their responsibilities to develop the Risk Management framework, including systems, and reporting. • Provide expert risk management guidance. • Assist in maintaining the risk registers to a high standard, which documents strategic risks, operational risks, controls and treatments. • Promote effective risk informed decision making and the reduction of Council's risk exposure. • Coordinate and deliver activities and training to raise risk awareness.
Department Heads	<p>Department Heads are responsible for the implementation of this Policy and associated procedures within their areas of responsibility.</p>
Managers	<p>Managers are accountable for the delivery and adherence to this Policy and associated Procedures within their areas of responsibility.</p>
Workers	<p>All workers (including employees, contractors, volunteers and all others who perform work on behalf of Council) are to be competent and accountable for managing risk within their area of responsibility.</p>
Risk Owners	<p>It is the Risk Owner's responsibility to:</p> <ul style="list-style-type: none"> • update risks in the register, and • provide the Manager Risk and Assets with information to be included in reports to the Council, the Audit Committee and the CEO on the progress of risk mitigation plans and risk assessment performed on new initiatives.

6. Policy

This policy defines (in Sections 7 to 11) minimum requirements for the management of risk at Torres Strait Island Regional Council. Details of process and guidance can be found in the Torres Strait Island Regional Council Risk Management Guidelines document.

All departments will maintain an operational risk register. The risk registers will be consolidated with Strategic Risks to form the Enterprise Risk Register.

Torres Strait Island Regional Council Risk Registers will be recorded and maintained in the RiskWare software platform.

7. Identifying and Measuring Risk

Identifying and measuring risk is the foundation process of risk management. The goal of risk identification and measurement is to develop a risk profile across the entire organisation that is:

- **Complete:** including all risks and all departments.
- **Accurate:** identify and measures risk using evidence, data, and experience
- **Current:** so that it provides a current point in time snapshot and allows for the identification of trends over time.
- **Comparable:** measured using a consistent methodology so that the comparison of one risk to another is possible, to assist in determining where TSIRC efforts are needed most.

The process should be collaborative, engaging subject matter experts within TSIRC and drawing on specialist external skills as deemed necessary.

The process should be continuous, ensuring that changes in the organisation are monitored and Council's assessment of risks is adjusted as required.

It is the responsibility of the Risk Owner to ensure the Risk Registers are up to date.

Risk is expressed as the function of the likelihood and consequence of a risk event i.e., will it happen, and what impact will it have, Council will measure risk using a 5 x 5 matrix of likelihood and consequence as approved by the Council (refer to Appendix 1 and 2).

Likelihood	Rating	Consequence				
		1	2	3	4	5
		Insignificant	Minor	Moderate	Major	Catastrophic
Almost certain	5	L	M	H	H	E
Likely	4	L	M	M	H	E
Possible	3	L	M	M	H	H
Unlikely	2	L	L	M	M	M
Rare	1	L	L	L	L	L

L = low, M = medium, H = high, E = extreme

Based on an initial assessment, the Inherent Risk environment is identified, reflecting the current Torres Strait Island Regional Council risk exposure before any remediation actions are taken.

An assessment of the risk appetite that is acceptable to Torres Strait Island Regional Council will also be undertaken and the identification of additional or enhanced controls required to achieve Council's Residual Risk environment.

The ability to move from Inherent Risk to Residual risk will represent the effectiveness of the controls operating within Torres Strait Island Regional Council.

Residual risk will be calculated by assessing the impact of controls, and the control effectiveness will include an assessment of key control design and control operation, where:

- **Control design:** assesses whether the control design is suitable to impact the risk in the expected way; and
- **Control operation:** assesses whether the control in place is working as designed.

Control effectiveness represents the interplay between control design and control operation.

Control Assessment	Description
Excellent	Effective treatments implemented, communicated, and monitored on a regular basis to determine the level of effectiveness.
Adequate	Controls are well documented and implemented. The controls address the identified risk and there is little scope for improvement There is no convincing cost/benefit justification to change the approach.
Fair	Controls have been determined, but not well implemented, documented, or monitored to determine their level of relevance.
Opportunities for Improvement	Information is inconsistent, not well communicated, implemented in an ad hoc manner. The controls contain some inadequacies and scope for improvement can be identified. There is some cost/benefit justification to change the approach.
Inadequate/Poor	The controls do not appropriately address the identified risk and there is an immediate need for improvement actions. There is a significant cost/benefit justification to change the approach.

Where key control effectiveness is less than adequate, it is expected that action will be taken to remediate the control.

8. Escalation, Actions and Monitoring

The Residual Risk rating of any risk will define the immediate and ongoing escalations and actions are required.

Escalations

Risk Level	Notification On Detection
Extreme	Mayor, CRO, CEO, Chair of the Audit Committee, all Department Heads
High	CRO, CEO, Responsible Department Head
Medium	Responsible Department Head
Low	None

Actions and Monitoring

Monitoring involves reviewing control effectiveness and reconfirmation of Residual Risk ratings and progress to achieve Target Risk level.

Risk Level	Action Required	Monitoring
Extreme	Immediate action required and must be managed by senior management with a detailed plan to achieve a medium risk rating. *	Monthly
High	Senior management attention needed, and management responsibility specified with a detailed plan to achieve a medium risk rating.	3 months
Medium	Management responsibility must be specified, and response procedures monitored.	6 months
Low	Manage by routine procedures at local management level.	12 months

* If it is not possible to reduce the Residual Risk rating to lower than extreme, the risk acceptance process is to be used.

9. Risk Acceptance

Where a Residual Risk rating for particular risk cannot be reduced below extreme, written authority from the CEO and Mayor should be obtained before continuing to operate in the area to which the risk is related to.

10. Risk Appetite

TSIRC will develop a risk appetite statement that defines the type and amount of risk that Council is able and willing to absorb.

Defining Council's risk appetite establishes boundaries for prudent decision-making and risk taking and it will be reviewed annually.

Council's risk appetite levels are defined below.

ZERO	MINIMAL	MODERATE	OPEN
(Little to no appetite)	(Small appetite)	(Medium appetite)	(Larger appetite)
Avoid exposure to risks, even when potential outcome benefits are higher	A general preference for safer options with small amounts of adverse exposure	Options are selected based on outcome benefits with a reasonable degree of protection	Seek opportunity and outcome benefits while monitoring potential exposure

11. Risk Reporting

The CRO will present risk reports to the Executive, Audit Committee and Council periodically. The CEO may ask Risk Owners to discuss their risks any time and in any forum.

Manager Responsible for Review:

Risk Manager

Adoption: November 2023

James William

Due for Revision: November 2025

Executive Officer

Appendix 1 – Consequence Ratings

Consequence	Rating	Strategy	Financial	Workplace Health and Safety	People	Infrastructure & Assets (A key asset is one that the Council or communities relies on to deliver essential services.)	Environmental	Legal Compliance, Regulatory & Liability	Reputation/ Political	Service Delivery
Catastrophic	5	<p>Failure to deliver the TSIRC strategic plan or multiple corporate plans.</p> <p>Require reindorsement from Council.</p>	Catastrophic financial loss (e.g., > \$1M of revenue or > 50% budget).	<p>More than 1 or fatality.</p> <p>Permanent impairment to >30% of bodies for more than 1 or more people.</p>	<p>Turnover > 30% in 12 months.</p> <p>Key roles vacant for more than 12 months.</p> <p>More than 5 staff fair work claims at once.</p> <p>Levels of unplanned absenteeism which are unacceptable.</p>	<p>More than one key asset becomes unavailable and are unable to be replaced without emergency support from external agencies.</p> <p>A key asset is one that the Council or communities relies on to deliver essential services.</p>	<p>Extinction of unique flora or fauna.</p> <p>Permanent destruction of habitat</p> <p>Introduction of invasive species that are able to sustain themselves.</p> <p>Contamination incident that destroys unique flora, fauna, sacred site or habitat.</p>	<p>Systematic or individual severe breaches of law and regulations that may result in:</p> <ul style="list-style-type: none"> * intervention from State Government * Legal action against Council * Jail terms * Class actions * Extensive fines, damages, other penalties * Legal fees of >\$200,000 	<p>Loss of State Government support with scathing criticism and possible removal of the Council.</p> <p>Prolonged negative national media exposure and social media backlash.</p> <p>Loss of power and influence restricting decision making and capabilities.</p> <p>Extensive and long-term public relations management required.</p>	<p>Substantial loss of operating capacity to deliver essential service > 1 week.</p> <p>Revenue generation activities halted for > 1 week.</p> <p>Community impact requires urgent alternate arrangements to be made and communications from Council.</p>

Consequence	Rating	Strategy	Financial	Workplace Health and Safety	People	Infrastructure & Assets (A key asset is one that the Council or communities relies on to deliver essential services.)	Environmental	Legal Compliance, Regulatory & Liability	Reputation/ Political	Service Delivery
Major	4	<p>Major adjustment required of strategic plan or corporate plans - cancellation of initiatives or programs.</p> <p>Require reindorsement from Council.</p>	Major financial loss (e.g., \$250,001 to \$1M of revenue or >40% budget)	<p>Single fatality.</p> <p>Permanent impairment to >30% of bodies for 1 person.</p> <p>List time greater than 14 working days.</p>	<p>Turnover > 10% in 12 months.</p> <p>Key roles vacant for more than 6 months.</p> <p>More than 2 staff fair work claims at once.</p> <p>Levels of unplanned absenteeism which impact service delivery.</p>	<p>One key asset becomes unavailable and are unable to be replaced without emergency support from external agencies. A key asset is one that the Council or communities relies on to deliver essential services.</p>	<p>Endangerment of unique flora or fauna.</p> <p>Destruction of habitat that requires remediation.</p> <p>Introduction of invasive species that requires effort to eradicate them.</p> <p>Contamination incident that endangers unique flora, fauna, sacred site or habitat and requires remediation.</p>	<p>Systemic or individual breaches of law and regulations that may result in:</p> <ul style="list-style-type: none"> * investigation by the State Government * Legal action against Council * Jail terms * Class actions * Extensive legal costs (\$100,000 - \$200,000), damages, other penalties 	<p>Negative state level and social media coverage.</p> <p>Public concern/ exposure with possible long-term loss of support from shire residents.</p> <p>Reputational damage that increases the chances of intervention by State Government or reduces the likelihood of obtaining grant funding.</p> <p>Significant active public relations management required.</p>	<p>Substantial loss of operating capacity to deliver essential service up to 1 week.</p> <p>Revenue generation activities halted for up to 1 week.</p> <p>Community impact requires alternate arrangements to be made and communications from Council.</p>

Consequence	Rating	Strategy	Financial	Workplace Health and Safety	People	Infrastructure & Assets (A key asset is one that the Council or communities relies on to deliver essential services.)	Environmental	Legal Compliance, Regulatory & Liability	Reputation/ Political	Service Delivery
Moderate	3	Moderate adjustment required of strategic plan or corporate plans - cancellation of initiatives or programs.	High financial loss (e.g., \$50,001 to \$250,000 of revenue or > 30% budget)	<p>Medical treatment required.</p> <p>Lost time of up to more than 3 and less than 14 working days.</p>	<p>Staff reporting stress/taking stress related leave.</p> <p>Higher than expected unplanned absences.</p>	Short to medium term reduction in service capacity of key assets and infrastructure.	<p>Temporary endangerment of unique flora or fauna.</p> <p>Temporary destruction of habitat that will recover.</p> <p>Introduction of invasive species that will not be permanent.</p> <p>Contamination incident that endangers unique flora, fauna, sacred site or habitat and will resolve without action.</p>	<p>Individual or sporadic breaches of law and regulations that may result in:</p> <ul style="list-style-type: none"> * significant changes to internal controls and changes to processes * reporting obligations to regulators * Legal costs (\$50,000 to \$100,000) 	<p>Significant state-wide concern/ exposure and short to mid-term loss of support from shire residents</p> <p>Reputational damage that might increase the chances of intervention by State Government or reduce the likelihood of obtaining grant funding.</p> <p>Active public relations management required.</p>	<p>Temporary or intermittent failure of Council delivery of essential service up to one week.</p> <p>Community impact expected - communications required to manage expectations.</p>

Consequence	Rating	Strategy	Financial	Workplace Health and Safety	People	Infrastructure & Assets (A key asset is one that the Council or communities relies on to deliver essential services.)	Environmental	Legal Compliance, Regulatory & Liability	Reputation/ Political	Service Delivery
Minor	2	Minor adjustment required of strategic plan or corporate plans - timelines and small changes to deliverables adjusted.	Minor financial loss (e.g., \$10,001 to \$50,000 of revenue or > 20% budget)	First aid treatment. Lost time between 1 and 3 working days.	Temporary stress due to high activity or absenteeism. Minor complaints about management or colleagues.	Minor loss/damage with limited downtime. Repairs required through normal operations.	Minor impact to environment that may require minimal effort to clean up or temporary isolation of an area until resolved.	Individual or sporadic breaches of law and regulations that may result in: * retraining for personnel * minor changes to controls and process. * Legal costs (<\$50,000)	Minor local community concern manageable through good public relations.	Temporary or intermittent failure of Council delivery of essential service for more than 1 days and less than one week. Some impact on community.
Insignificant	1	Insignificant adjustment required of strategic plan or corporate plans - timelines adjusted.	Insignificant financial loss (e.g., < \$10,000 of revenue or < 20% budget)	First aid treatment. Lost time up to 1 working day.	Few complaints about management or colleagues.	Isolated or minimal damage where repairs are required however facility or infrastructure is still operational.	Insignificant impact that should be avoided but that will have no measurable impacts to flora, fauna or habitat.	Individual or sporadic breaches of law and regulations that require increased awareness and training for personnel.	Transient matter, e.g., Customer complaint, resolved in day-to-day management.	Interruption of Council delivery of essential service for less than 1 day or that otherwise will have little or no impact on community.

Appendix 2 – Likelihood Ratings

Likelihood		
Short Description	Long Description	Likelihood of Occurrence/Frequency
Rare	<p>Evidence: Nobody has ever heard of it happening.</p> <p>History: Has not happened previously in our industry but is a conceivable occurrence.</p> <p>Experience & expectation: Almost sure this won't happen.</p>	May occur once in 10 years
Unlikely	<p>Evidence: Never heard of it, but it sounds like something that I know has happened elsewhere before.</p> <p>History: Happened previously in our industry.</p> <p>Experience & expectation: I will be surprised if this happened.</p>	May occur once in 5 years
Possible	<p>Evidence: Similar event occurred, not sure when/where/more than one occasion.</p> <p>History: Logged at least once within our organisation/previous employer(s).</p> <p>Experience & expectation: 50/50 chance that this will happen - not surprised if this happens.</p>	More than once in 2 years
Likely	<p>Evidence: Similar event occurred several times over the years.</p> <p>History: Logged several times in our organisation or my previous employer(s).</p> <p>Experience & expectation: I will not be surprised if this happened.</p>	At least once in 2 years
Almost Certain	<p>Evidence: Examples of similar events known to occur frequently.</p> <p>History: Logged regularly in this area and others on site, a known industry issue.</p> <p>Experience & expectation: Almost sure it will happen.</p>	At least once in 12 months



TORRES STRAIT ISLAND REGIONAL COUNCIL

COUNCIL REPORT

ORDINARY MEETING:	September 2023
DATE:	19 & 20 October 2023
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Financial Dashboard Report – September 2023
AUTHOR:	Nicola Daniels, Head of Financial Services

Recommendation:

That Council receive and endorse the monthly financial statements attached to the officer's report for the 2023-24 year to date, for the period ended 30 September 2023, as required under Section 204 *Local Government Regulation 2012*.

Purpose:

This report seeks Council endorse the monthly financial statements for the 2023-24 year to date, for the period ended 30 September 2023.

Background:

The 2023-24 original budget was adopted in June 2023 and has taken into consideration the expected impacts of the year ahead including but not limited to high inflation, persistent labour shortages due to shifting workforce dynamics, shortages in contractors due to remote operations and material shortages. Our strategic approach to budget planning demonstrates management's dedication to proactively confronting potential financial challenges and positioning the organisation for resilient financial performance, all while ensuring the continued delivery of essential services to the community.

The financial report must state the progress that has been made in relation to the local government's budget for the period of the financial year up to a day as near as practicable to the end of the month before the meeting is held.

Each month, year to date financial statements are prepared to monitor actual performance against budget.

Below is a summary of the financial performance for the period ended stated above. Actual amounts are compared against year-to-date original budget for 2023-24. (See Appendix A for Summary Financial Statements by Department and Appendix A Detailed Capital Report).

Resource implications:

The actual operating result (before depreciation) for September 2023 YTD is a \$11.1M surplus, compared to the YTD forecast operating deficit of \$4.9M.

FINANCIAL PERFORMANCE AT A GLANCE – Year to Date (YTD) 2023/2024

Key financial results	Annual original budget	YTD original budget	YTD actual	YTD variance \$	YTD variance %	Status
Recurrent revenue	61,630,000	12,096,318	25,033,516	12,937,198	107.0%	●
Other income	5,483,098	1,496,994	1,803,851	306,857	20.5%	●
Recurrent expenditure (excl. depreciation)	(74,514,721)	(18,482,978)	(15,703,002)	2,779,976	15.0%	●
Operating result (excl. depreciation)	(7,401,623)	(4,889,667)	11,134,365	16,024,032	327.7%	●
Capital revenue	43,500,048	10,319,674	840,059	(9,479,615)	(91.9%)	●
Capital expenses	(3,500,000)	(875,000)	0	875,000	100.0%	●
Net result (excl. depreciation)	32,598,425	4,555,007	11,974,424	7,419,417	162.9%	●
Depreciation expense	(52,422,672)	(13,105,668)	120,818	13,226,486	100.9%	●
Net result	(19,824,247)	(8,550,661)	12,095,242	20,645,902	241.5%	●

Key:

Act Vs Bud Var % is <= -10%

Act Vs Bud Var % is > -10% and <= -5%

Act Vs Bud Var % is > -5%



Operating Result to Date – Favourable \$16M variance attributed to:

Revenue \$13.2M favourable variance.

- Timing of receipt of grant fundings namely the Indigenous Councils Funding Program (ICFP) which has replaced State Government Financial Assistance (SGFA) and Revenue Replacement Program (RRP) grants.
- Higher fees and charges revenue.
- Commercial and Residential property rental income.
- Higher interest rate.

Expenditure \$2.7M favourable variance.

- Reduction in employee benefits expenditure due to extended vacancies.
- Material & Services for some departments are currently under budget. This is due to a combination of factors; cost management, timing of operating works, vacancy rates and other external factors reducing capability to deliver services and projects.

Net Result to Date – Favourable \$20.6M variance attributed to:

In addition to the above, depreciation relating to July to September 2023 has not been recorded in the 24GLACT due to the assets module in TechOne being unable to be rolled forward onto the 2023/24 year until QAO sign off the 2022-2023 accounts. QAO sign off is expected in October. This has been a significant driver for the favourable variance.

STATEMENT OF FINANCIAL PERFORMANCE

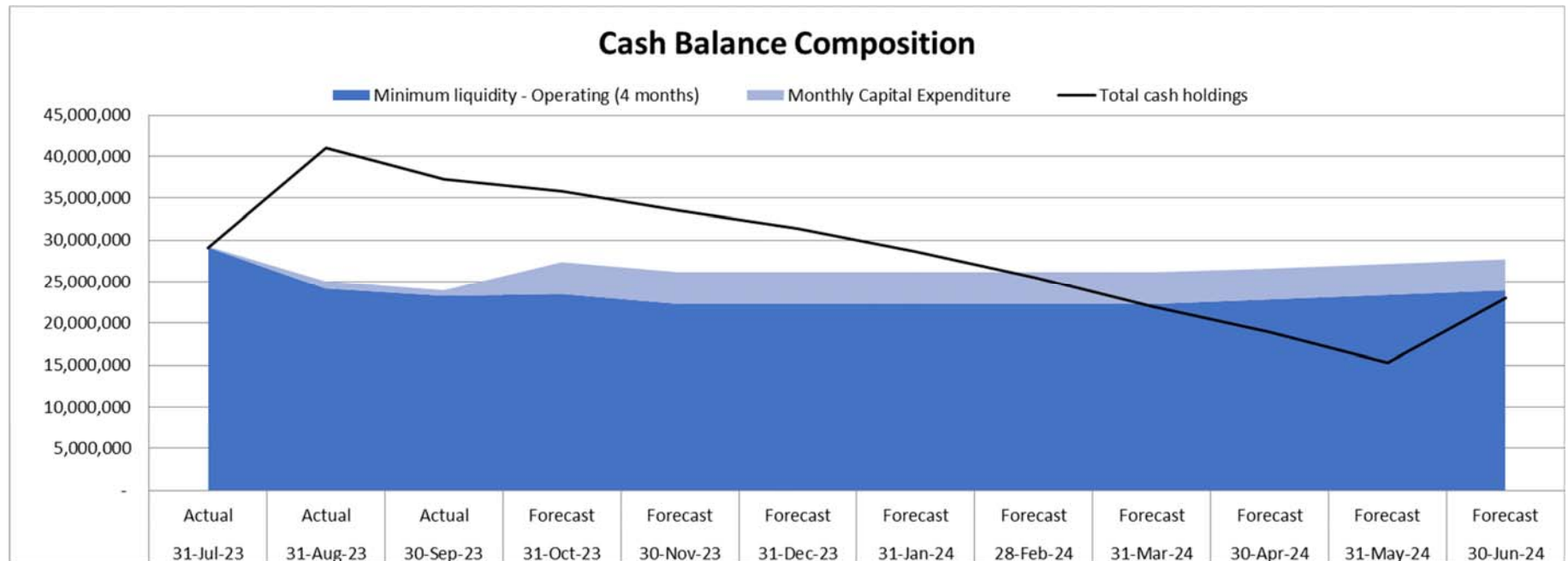
	Annual Original Budget	YTD Original Budget	YTD actual	YTD variance \$	YTD variance %
Income					
Recurrent revenue					
Community levies, rates and charges	1,886,244	0	(1,141)	(1,141)	0.0%
Fees and charges	4,890,811	1,240,937	1,622,331	381,394	30.7%
Sales revenue	20,936,082	5,595,099	5,311,164	(283,935)	(5.1%)
Grants, subsidies, contributions and donations	33,916,863	5,260,282	18,101,161	12,840,879	244.1%
	61,630,000	12,096,318	25,033,516	12,937,198	107.0%
Capital revenue					
Grants, subsidies, contributions and donations	43,500,048	10,319,674	840,059	(9,479,615)	(91.9%)
	43,500,048	10,319,674	840,059	(9,479,615)	(91.9%)
Interest received	593,299	149,544	325,950	176,406	118.0%
Other income	83,542	145,886	212,070	66,184	45.4%
Rental income	4,806,257	1,201,564	1,265,831	64,267	5.3%
Total income	110,613,146	23,912,985	27,677,426	3,764,440	15.7%
Expenses					
Recurrent expenses					
Employee benefits	31,446,073	7,771,008	6,467,417	1,303,591	16.8%
Materials and services	42,349,489	10,531,102	9,052,665	1,478,436	14.0%
Finance costs	719,159	180,869	182,920	(2,051)	(1.1%)
Depreciation and amortisation	52,422,672	13,105,668	(120,818)	13,226,486	100.9%
	126,937,393	31,588,646	15,582,184	16,006,462	50.7%
Capital expenses	3,500,000	875,000	0	(875,000)	(100.0%)
Total expenses	130,437,393	32,463,646	15,582,184	(16,881,462)	(52.0%)
Net result	(19,824,247)	(8,550,661)	12,095,242	20,645,902	(241.5%)

STATEMENT OF FINANCIAL POSITION

	Current Month	Prior Month	variance \$	variance %
Current assets				
Cash and cash equivalents	37,125,771	40,840,609	(3,714,838)	(9.1%)
Short term deposits	66,774	66,774	0	0.0%
Trade and other receivables	11,306,099	11,134,070	172,029	1.5%
Inventories	411,753	411,753	0	0.0%
Contract assets	4,456,589	4,513,421	(56,832)	(1.3%)
Lease receivables	429,258	429,258	0	0.0%
Total current assets	53,796,244	57,395,885	(3,599,641)	(6.3%)
Non-current assets				
Lease receivables	9,950,964	9,950,964	(0)	(0.0%)
Property, plant and equipment	1,064,444,346	1,063,722,462	721,884	0.1%
Right of use assets	1,026,024	1,077,677	(51,653)	(4.8%)
Total non-current assets	1,075,421,334	1,074,751,103	670,231	0.1%
Total assets	1,129,217,578	1,132,146,988	(2,929,410)	0.1%
Current liabilities				
Trade and other payables	3,618,724	3,494,349	(124,375)	(3.6%)
Borrowings	-	-	0	
Provisions	1,408,369	1,417,213	8,844	0.6%
Contract liabilities	12,491,846	12,491,846	0	0.0%
Lease liabilities	454,533	464,699	10,166	2.2%
Total current liabilities	17,973,472	17,868,107	(105,365)	(0.6%)
Non-current liabilities				
Provisions	10,560,161	10,691,290	131,129	1.2%
Lease liabilities	621,246	621,246	(0)	
Total non-current liabilities	11,181,407	11,312,536	131,129	1.2%
Net community assets	1,100,062,698	1,102,966,345	(2,903,645)	(0.3%)

Cash Forecasting

The Department of State Development, Infrastructure, Local Government and Planning sustainability ratios recommends that Council maintain a minimum liquidity of four months operating cashflows. Council has based the monthly cashflow projections on the 23/24 Original Budget projections. Grant revenue has been forecasted on expected timing of receipt of funds as per funding agreements. July to September figures reflect actual cash balances.



Cashflow Comments

YTD June 2024 – Actual \$37.3M

- Cash holdings remain above QTC recommendations. Grant payments are initially concentrated at the start of the financial year. The majority of the surplus pertains to the complete 23/24 Financial Assistance Grant paid in advance and Indigenous Councils funding program (ICFP) which was paid in August.

FY June 2024 – Current forecast \$23.1M (Budget \$16.3M)

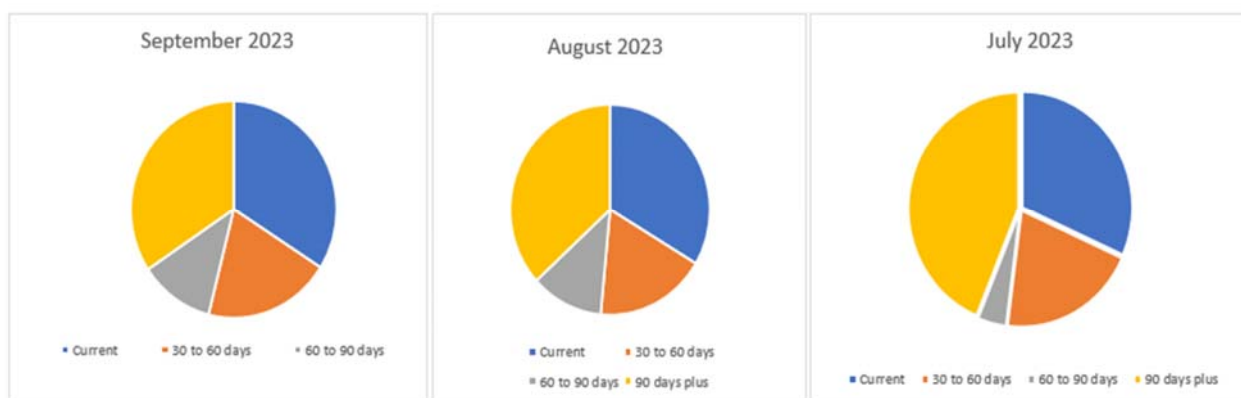
- Advance payment of half of the 24/25 Financial Assistance Grant received budgeted to be received in June 2024.
- New ICFP grant funding to replace SGFA and RRP which is approx. \$7M more than budgeted

Debtor Analysis

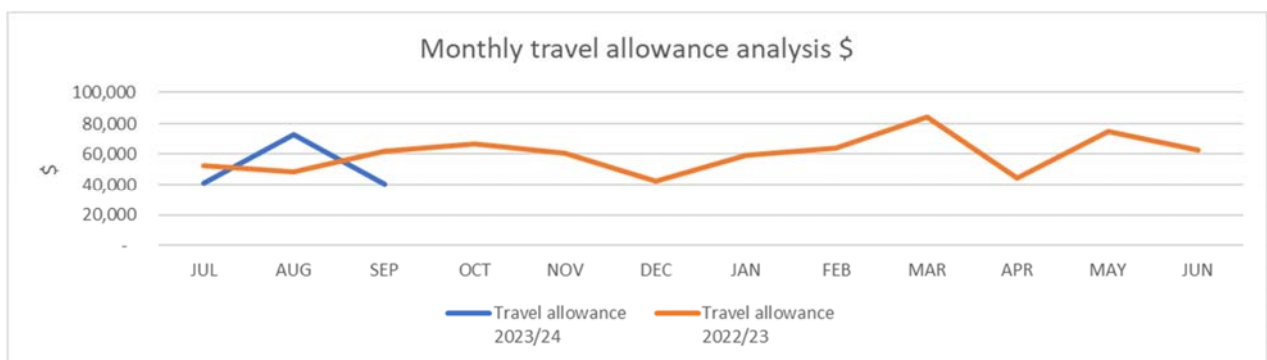
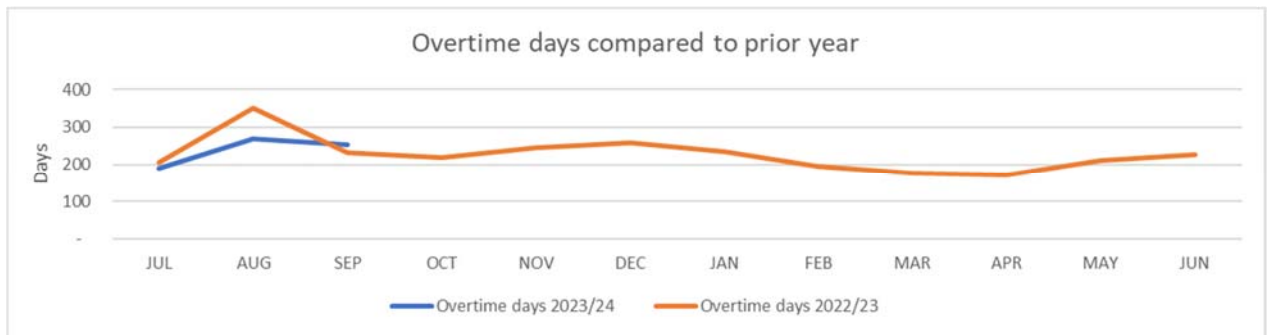
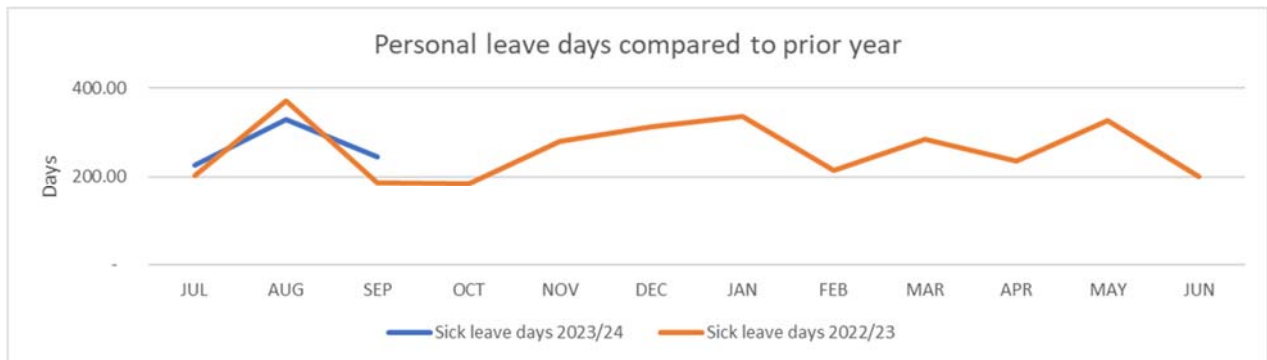
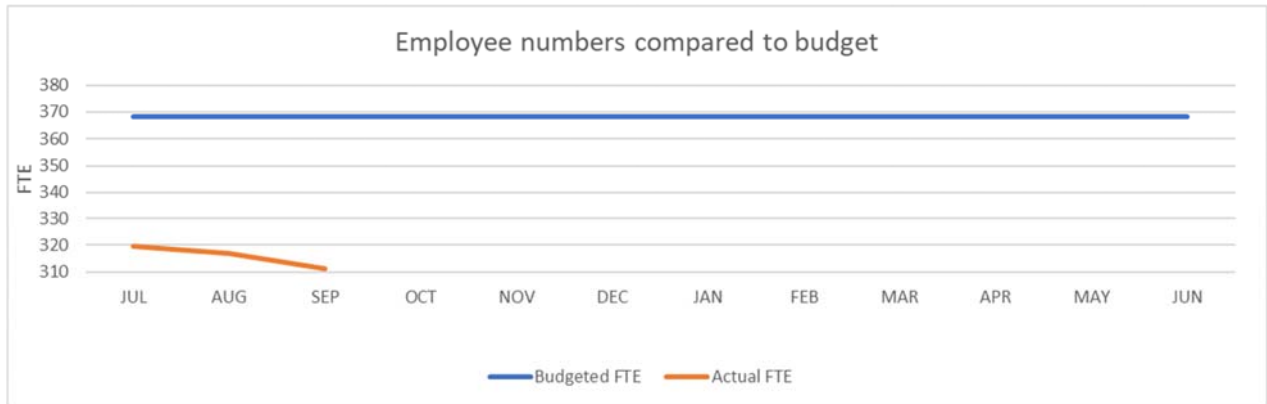
Days outstanding	As at 30 September 2023		As at 31 August 2023		As at 31 July 2023	
	\$	%	\$	%	\$	%
Current	1,541,496	34%	1,456,332	34%	1,119,343	26%
30 to 60 days	902,131	20%	778,191	18%	716,143	17%
60 to 90 days	530,508	12%	507,957	12%	147,433	3%
90 days plus	1,555,550	34%	1,595,851	37%	1,545,077	36%
Total aged debtors	4,529,685	100%	4,338,331	100%	3,527,995	81%
Housing debtors (Note 1)	12,597,818		12,862,216		12,899,126	
Total Provision	- 13,194,858		- 13,194,858		- 13,162,428	
Net debtors (exc. Unapplied credits)	3,932,645		4,005,689		3,264,693	
Unapplied Credits	- 222,792		- 279,537		- 286,937	

Notes to table:

- Analysis of housing debtors and their collection rates are considered in detail.



Payroll Analysis



Grant Analysis:

Refer to the 'Funding Acquisition Report' by Corporate Services.

Corporate Plan Linkage:

Outcome: We manage Council affairs responsibly to the benefit of our communities: evolve Council's cost management and analysis reporting.

Consultation and communication:

Senior Executive Team
Department Heads / Managers
Finance Department

Risk Management Implications:

Risk Management emerges from Council's intent to effectively and efficiently manage risks that may have an impact on the achievement of strategic priorities, operational goals and project objectives as defined in the Corporate and Operational Plans.

Significant Risks:

Risk	Likelihood	Consequence	Treatment	Financial Impact
Increase in material prices	High	Increased cost to deliver contract and recoverable works	Consider revising service agreements with funding partners to account for material increases	Negative impact to gross margins and ultimately net profits
Poor weather conditions	Low	Delay in operational and capital works resulting in reduced community service delivery	Consider works schedule	Negative impact to net profits and service delivery
Lack of available resources	High	Delays and inability to complete contract and recoverable works and capital programs	Consider methods for engaging skilled resources	Negative impact on gross margins and risk of returning grant funds if not able to deliver works

Final Considerations:

Risk Management

In terms of financial performance and risk, the approach taken sees the Finance Team working with the various business departments to understand and report on financial outcomes whilst also considering what those outcomes indicate for the future, particularly the requirement to deliver within budget. It is expected this forward-looking approach will allow the management team to implement timely rectification actions to emerging trends.

There are numerous drivers which have affected Council operations during the financial year. Inflationary pressures are impacting not only Council but the whole of Australia (rising energy prices, global supply chain disruptions and labour shortages) sending the cost of goods and services higher. Along with the spate of natural disasters, sharp rise in cash rates and high state wage increases, it is yet to be seen the full extent of inflation and how long the economy will take to stabilise.

It remains to be seen what the cumulative effect will be on Council operations in the next couple of months to year end, and years beyond based on the unpredictability of domestic and global events. Management will continue to progressively adapt, monitor, and plan into the future as the situation and its impact evolves. With continuing uncertainty in the economic climate and changes in market factors, it makes future forecasting challenging.

Recommended:



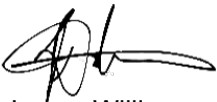
Nicola Daniels
Head of Financial Services

Endorsed:



Hollie Faithfull
Executive Director Financial Services

Approved:



James William
Chief Executive Officer

Appendix A

Executive Department

Key Financial Results	Annual Budget	YTD Budget	YTD Actual	YTD Variance	YTD Variance %	Status
Recurrent revenue	546,200	0	0	0	0.0%	●
Other income	0	0	0	0	0.0%	●
Recurrent expenditure (excl. depreciation)	(4,030,274)	(986,994)	(858,332)	128,662	13.0%	●
Operating surplus (exc. Depreciation)	(3,484,074)	(986,994)	(858,332)	128,662	13.0%	●
Capital revenue	0	0	0	0	0.0%	●
Capital expenses	0	0	0	0	0.0%	●
Net result (excl. depreciation)	(3,484,074)	(986,994)	(858,332)	128,662	13.0%	●
Depreciation Expense	0	0	0	0	0.0%	●
Net result	(3,484,074)	(986,994)	(858,332)	128,662	13.0%	●

Comments:

Favourable Operating result: underbudget for Sep 2023

Favourable Net result: underbudget for Sep 2023

Building Services Department

Key Financial Results	Annual Budget	YTD Budget	YTD Actual	YTD Variance	YTD Variance %	Status
Recurrent revenue	18,000,000	4,849,998	4,498,512	(351,486)	-7.2%	●
Other income	0	0	59,776	59,776	0.0%	●
Recurrent expenditure (excl. depreciation)	(14,120,678)	(3,519,175)	(3,465,046)	54,129	1.5%	●
Operating surplus (exc. Depreciation)	3,879,322	1,330,823	1,093,242	(237,581)	-17.9%	●
Capital revenue	1,800,000	360,000	0	(360,000)	-100.0%	●
Capital expenses	0	0	0	0	0.0%	●
Net result (excl. depreciation)	5,679,322	1,690,823	1,093,242	(597,581)	-35.3%	●
Depreciation Expense	(20,697)	(5,174)	(8,870)	(3,696)	-71.4%	●
Net result	5,658,625	1,685,649	1,084,372	(601,277)	-35.7%	●

Comments:

Unfavourable Operating result:

Recurrent Revenue - Slightly lower than budget due to a delay in the release of new quotes and staff turnover.

Other Income - Receipt of insurance claim.

Recurrent Expenditure - Underbudget in response to the delay in new quotes.

Unfavourable Net result:

Slightly unfavourable net result due to the timing of capital revenue. Variance should reduce over the next few months once capitalisations can be completed.

Health and Community Services Department

Key Financial Results	Annual Budget	YTD Budget	YTD Actual	YTD Variance	YTD Variance %	Status
Recurrent revenue	13,481,145	4,224,383	3,793,351	(431,032)	-10.2%	●
Other income	519,542	129,886	131,552	1,666	1.3%	●
Recurrent expenditure (excl. depreciation)	(17,169,964)	(4,330,418)	(4,131,200)	199,218	4.6%	●
Operating surplus (exc. Depreciation)	(3,169,277)	23,851	(206,297)	(230,148)	964.9%	●
Capital revenue	17,425,000	4,556,250	44,535	(4,511,715)	-99.0%	●
Capital expenses	0	0	0	0	0.0%	●
Net result (excl. depreciation)	14,255,723	4,580,101	(161,762)	(4,741,863)	-103.5%	●
Depreciation Expense	(27,729,376)	(6,932,344)	(1,487)	6,930,857	-100.0%	●
Net result	(13,473,653)	(2,352,243)	(163,249)	2,188,994	93.1%	●

Comments:

Unfavourable Operating Result:

Recurrent Revenue - reduced due to timing of receipt of grant funding ~\$879K State & Federal grant payments, however most revenue streams, excluding State & Federal Grants, are higher than budgeted YTD, with greatest impact from Commercial Property Rental Income being \$364K higher (due to timing of invoicing), Accommodation Income \$42K higher and Housing Rental Income \$64K higher.

Recurrent Expenditure - lower than budgeted due to continuing high level of staff vacancies.

Favourable Net result:

Capital Revenue - underbudget due to timing of receipt of grant funding.

Depreciation - not posted YTD

Financial Services Department

Key Financial Results	Annual Budget	YTD Budget	YTD Actual	YTD Variance	YTD Variance %	Status
Recurrent revenue	22,767,677	1,974,671	16,391,318	14,416,647	730.1%	●
Other income	(500,000)	0	0	0	0.0%	●
Recurrent expenditure (excl. depreciation)	(5,272,620)	(1,048,900)	(1,123,046)	(74,146)	-7.1%	●
Operating surplus (exc. Depreciation)	16,995,057	925,771	15,268,272	14,342,501	1549.2%	●
Capital revenue	1,903,954	475,986	0	(475,986)	-100.0%	●
Capital expenses	(3,500,000)	(875,000)	0	875,000	100.0%	●
Net result (excl. depreciation)	15,399,011	526,757	15,268,272	14,741,515	2798.5%	●
Depreciation Expense	(964,935)	(241,234)	(144,602)	96,632	40.1%	●
Net result	14,434,076	285,523	15,123,670	14,838,147	5196.8%	●

Comments:

Favourable Operating result:

Recurrent Revenue - Due to Increasing interest rates, Interest Income higher than expected and received a new 15.8M ICFP grant in replacement of SFGA & RRP grants, which has been paid in advance, timing and amounts will be updated at budget review.

Recurrent expenditure - Temporary staff costs, insurance costs lower then projected.

Favourable Net result:

Depreciation expense not posted to the ledger for July -Sep 2023 due to assets module in TechOne being unable to be rolled forward onto the 23/24 year until QAO sign off the 2022-2023 accounts but receipt of the grant has affected the overall results. Variance should reduce once capitalisations are completed.

Appendix A

Engineering Services Department

Key Financial Results	Annual Budget	YTD Budget	YTD Actual	YTD Variance	YTD Variance %	Status
Recurrent revenue	10,590,168	1,951,839	1,508,677	(443,162)	-22.7%	●
Other income	0	0	633	633	0.0%	●
Recurrent expenditure (excl. depreciation)	(25,476,135)	(6,419,204)	(4,759,875)	1,659,329	25.8%	●
Operating surplus (exc. Depreciation)	(14,885,967)	(4,467,365)	(3,250,565)	1,216,800	27.2%	●
Capital revenue	19,240,391	4,144,543	795,524	(3,349,019)	-80.8%	●
Capital expenses	0	0	0	0	0.0%	●
Net result (excl. depreciation)	4,354,424	(322,822)	(2,455,041)	(2,132,219)	-660.5%	●
Depreciation Expense	(23,286,299)	(5,821,575)	275,777	6,097,352	104.7%	●
Net result	(18,931,875)	(6,144,397)	(2,179,264)	3,965,133	64.5%	●

Comments:

Favourable Operating result:

- Recurrent Revenue - unfavourable revenue result is due to delay in works associated with recurrent grants.
- Recurrent Expenditure - favourable result is combination of unfilled positions and work delays associated with QRA works.

Favourable Net result:

- Capital grants received lower than budget forecast (budget timing)
- Depreciation expense not posted to the ledger for July & Aug & Sep 2023 due to assets module in TechOne being unable to be rolled forward onto the 23/24 year until QAO sign off the 2022-2023 accounts.

Corporate Services Department

Key Financial Results	Annual Budget	YTD Budget	YTD Actual	YTD Variance	YTD Variance %	Status
Recurrent revenue	69,366	52,785	4,768	(48,017)	-91.0%	●
Other income	39,000	9,750	16,263	6,513	66.8%	●
Recurrent expenditure (excl. depreciation)	(6,181,766)	(1,637,092)	(1,343,634)	293,458	17.9%	●
Operating surplus (exc. Depreciation)	(6,073,400)	(1,574,557)	(1,322,603)	251,954	16.0%	●
Capital revenue	0	0	0	0	0.0%	●
Capital expenses	0	0	0	0	0.0%	●
Net result (excl. depreciation)	(6,073,400)	(1,574,557)	(1,322,603)	251,954	16.0%	●
Depreciation Expense	0	0	0	0	0.0%	●
Net result	(6,073,400)	(1,574,557)	(1,322,603)	251,954	16.0%	●

Comments:

Favourable Operating Result

Recurring Revenue - TSRA Enterprise Development Strategy (Travel) not to be received this financial year, higher commercial property rental income.

Recurrent Expenditure - The key driver for favourable operating expenses are employee benefits due to a number of vacancies as well as lower total travel expenses and reduced total IT hardware and software expenditure.

Favourable Net Result

Depreciation expense not posted to the ledger for July & Sep 2023 due to assets module in TechOne being unable to be rolled forward onto the 23/24 year until QAO sign off the 2022-2023 accounts.

Fuel and Fleet Services Department

Key Financial Results	Annual Budget	YTD Budget	YTD Actual	YTD Variance	YTD Variance %	Status
Recurrent revenue	1,575,000	393,750	428,671	34,921	8.9%	●
Other income	25,000	6,250	3,846	(2,404)	-38.5%	●
Recurrent expenditure (excl. depreciation)	(2,263,284)	(541,195)	(21,870)	519,325	96.0%	●
Operating surplus (exc. Depreciation)	(663,284)	(141,195)	410,647	551,842	390.8%	●
Capital revenue	3,130,703	782,895	0	(782,895)	-100.0%	●
Capital expenses	0	0	0	0	0.0%	●
Net result (excl. depreciation)	2,467,419	641,700	410,647	(231,053)	-36.0%	●
Depreciation Expense	(421,366)	(105,341)	0	105,341	100.0%	●
Net result	2,046,053	536,359	410,647	(125,712)	-23.4%	●

Comments:

Favourable Operating Result

Recurrent revenue - Higher sale of fuel and gas.

Recurrent expenditure - Employee benefits underbudget due to vacancies

Favourable Net Result

Overall underbudget due to a delay in invoice processing this affects mainly the Fuel purchases for resale account.

Capital Revenue - Contract Implementation Delayed

Depreciation expense not posted to the ledger for July & Sep 2023 due to assets module in TechOne being unable to be rolled forward onto the 23/24 year until QAO sign off the 2022-2023 accounts.

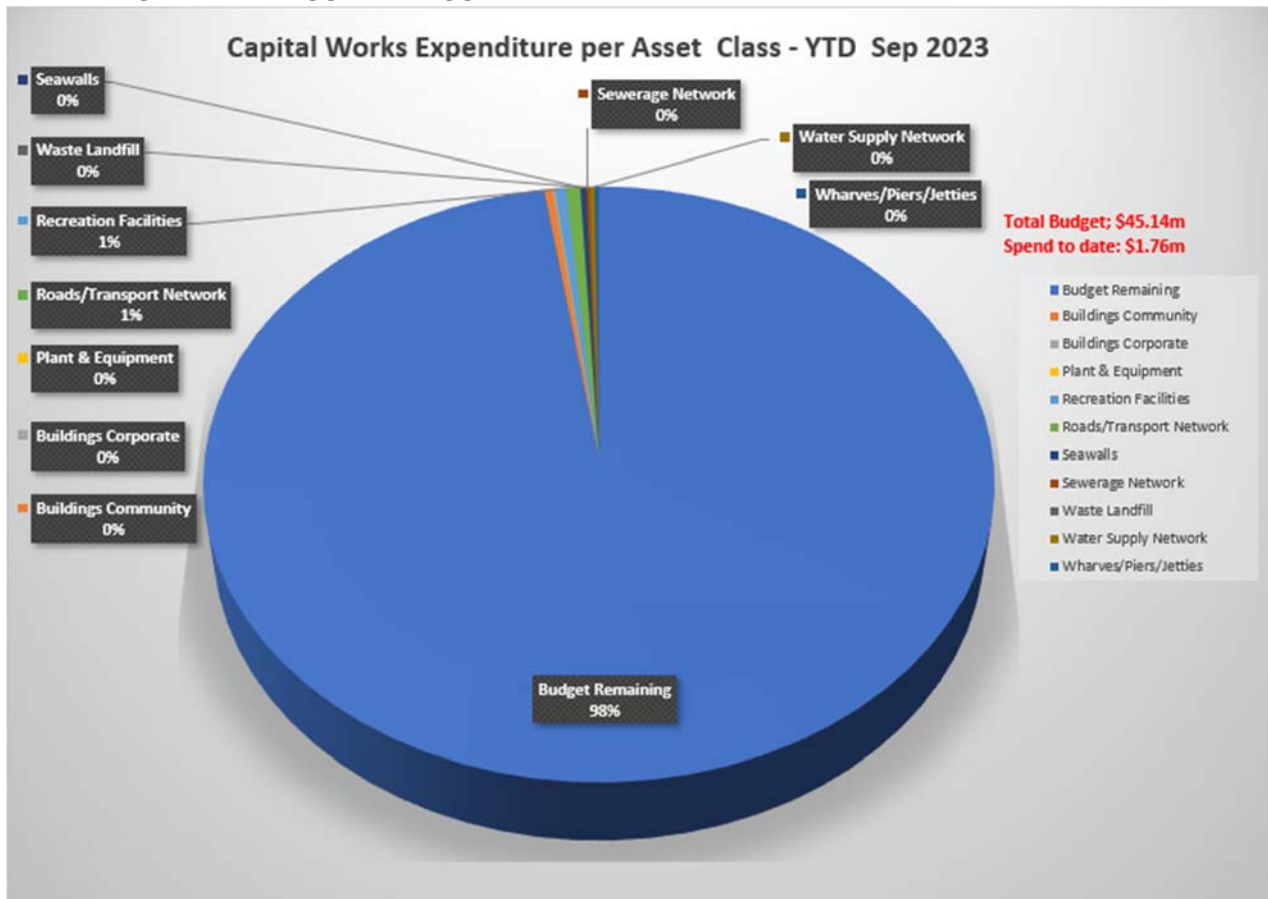
CAPITAL WORKS PROGRAM

YTD actual expenditure	\$ 1,760,633
Unspent capital expenditure	\$ 43,387,626
Full year BR budget capital expenditure	\$ 45,148,259

Capital Works Program Expenditure B.R



CAPITAL SPEND BY ASSET CLASS



From: Sal McCarthy <sal.mccarthy@pc.gov.au>
Sent: Thursday, 7 September 2023 3:37 PM
To: Secretariat; Trudy Lui
Cc: CTG Review; Sharon Russell; Tara Apps; Sarah Crawford
Subject: RE: Productivity Commission Visit to Poruma [SEC=OFFICIAL]
Attachments: closing-the-gap-review-draft-summary.pdf; ctg-review-draft-factsheet-1.pdf; ctg-review-draft-factsheet-2.pdf; ctg-review-draft-factsheet-3.pdf; ctg-review-draft-factsheet-4.pdf; ctg-review-draft-factsheet-5.pdf; ctg-review-draft-factsheet-6.pdf; ctg-review-draft-factsheet-7.pdf

Categories: Blue category

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OFFICIAL

Hi Darryl,

Further to my email on Tuesday, I'm sending through some information and context for circulation to the Mayor and Council ahead of our meeting on the 19th.

The Productivity Commission is currently working on the three-yearly review of progress under the National Agreement on Closing the Gap.

This is the first review to inform the ongoing implementation of the National Agreement on Closing the Gap by highlighting areas of improvement and emphasising where additional effort is required to close the gap.

We have recently released our Draft Report which can be found [here](#) along with information papers that go into further detail. The Draft in its entirety can be quite lengthy so I have attached the Executive Summary which gives a general overview of our findings and information requests as well as our draft recommendations so far. I have also attached our one-page factsheets which provide a quick 'at a glance' overview of the content in each chapter.

We also released a short 2 minute explainer video of the National Agreement and our report, which can be found here: [Review of the National Agreement on Closing the Gap - YouTube](#)

Please let me know any questions you may have, happy to discuss further!

Kind regards,

Sal McCarthy she/her | Project Officer | Closing the Gap Review and Reporting Group | p. 0490 930 781
[Schedule a meeting](#) | [Chat on Teams](#)

From: Sal McCarthy
Sent: Tuesday, September 5, 2023 4:40 PM
To: Secretariat <secretariat@tsirc.qld.gov.au>; Trudy Lui <trudy.lui@tsirc.qld.gov.au>
Cc: CTG Review <CTG.Review@pc.gov.au>; Sharon Russell <sharon.russell@tsirc.qld.gov.au>; Tara Apps <tara.apps@pc.gov.au>; Sarah Crawford <sarah.crawford@pc.gov.au>
Subject: RE: Productivity Commission Visit to Poruma [SEC=OFFICIAL]

OFFICIAL



Australian Government
Productivity Commission

July 2023

Review of the National Agreement on Closing the Gap

Draft report
Executive summary



This is a draft report prepared for further public engagement and input.
The Commission will finalise its report after these processes have taken place.

The Productivity Commission

The Productivity Commission is the Australian Government's independent research and advisory body on a range of economic, social and environmental issues affecting the welfare of Australians. Its role, expressed most simply, is to help governments make better policies, in the long-term interest of the Australian community.

The Commission's independence is underpinned by an Act of Parliament. Its processes and outputs are open to public scrutiny and are driven by concern for the wellbeing of the community as a whole.

Further information on the Productivity Commission can be obtained from the Commission's website (www.pc.gov.au).

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An appropriate reference for this publication is:
Productivity Commission 2023, *Review of the National Agreement on Closing the Gap*, Draft Report, Canberra, July.

Publication enquiries:
Phone 03 9653 2244 | Email communications@pc.gov.au

Opportunity for comment

The Commission thanks all participants, particularly Aboriginal and Torres Strait Islander people, for their contribution to the review, and now seeks additional input for the final report.

You are invited to examine this draft report and comment on it by written submission to the Productivity Commission, preferably in electronic format, by Friday 6 October 2023.

Further information on how to provide a submission is included on the review website: www.pc.gov.au/inquiries/current/closing-the-gap-review.

The Commission will prepare the final report after further submissions have been received and it will hold further discussions with participants. The Commission will forward the final report to the Joint Council on Closing the Gap in December 2023.

Commissioners

For the purposes of this review and draft report the Commissioners are:

Michael Brennan	Chair
Romlie Mokak	Commissioner
Natalie Siegel-Brown	Commissioner

Disclosure of interests

The *Productivity Commission Act 1998* (Cth) specifies that where Commissioners have or acquire interests, pecuniary or otherwise, that could conflict with the proper performance of their functions they must disclose those interests.

Commissioner Mokak advised that he is a patron of Winnunga Nimmityjah Aboriginal Health and Community Services, ACT; and a board member of the Australian Institute of Health and Welfare.

Commissioner Siegel-Brown advised that she is a member of the Independent Truth and Treaty Body, Queensland; and Board Director, Ageing and Disability Advocacy Australia.

Acknowledgements

The Productivity Commission acknowledges that Aboriginal and Torres Strait Islander people are the first storytellers of this land and Traditional Owners of Country on which we now live and work. We recognise their continuing connection to lands, waters, communities and cultures. We pay our respects to Aboriginal and Torres Strait Islander cultures, and to Elders past and present.

Aboriginal and Torres Strait Islander people should be aware that this report may contain the names of people who have since passed away.

The Productivity Commission thanks members of the community as well as organisations and government agencies who have provided data and other information for use in this review.

We would particularly like to thank Aboriginal and Torres Strait Islander people and organisations, who generously shared their stories and insights with the Commission.



About the artwork – Yindyamarra ‘Connection’

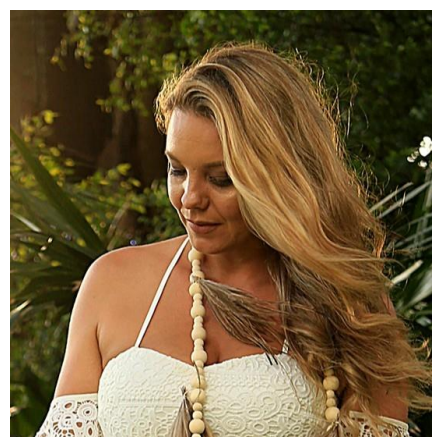
The artwork titled Yindyamarra ‘Connection’ was created for the Productivity Commission’s visual identity for the first review of progress under the National Agreement on Closing the Gap.

The artwork was created by Aboriginal artist Lani Balzan to represent all Australians and Torres Strait Islander people and the lands together. Building and making decisions together to help Close the Gap between our cultures.

Lani believes; that we can work together to help make changes by allowing all to be included in decision making. One can carry in their normal and usual way without ever making change because it works at the time. Sometimes we need to look at different ways and think outside of the box to make changes and let other voices be heard allowing many different perspectives to be viewed.

“Our Aboriginal culture has always been sacred but never embraced by majority of non-indigenous people. In previous years there was limited public education as there is today to help Close the Gap between our people and Non-Indigenous people.”

Throughout the artwork Lani has used specific elements and symbols to tell the story. Information on the elements and symbols can be found on our website.



About the artist

Lani Balzan is an Aboriginal artist and graphic designer specialising in designing Indigenous canvas art, graphic design, logo design, Reconciliation Action Plan design and document design.

Lani is a proud Aboriginal woman from the Wiradjuri people of the three-river tribe. Her family originates from Mudgee but she grew up all over Australia and lived in many different towns starting her business in the Illawarra NSW and recently relocating to Mid-North Queensland.

In 2016 Lani was announced as the 2016 NAIDOC Poster Competition winner with her artwork ‘Songlines’. This poster was used as the 2016 NAIDOC theme across the country.

Lani has been creating Aboriginal art since 2013 and has continued success across the country. One of her biggest goals and inspirations with creating Aboriginal art is to develop a better connection to her culture and to continue to work towards reconciliation; bringing people and communities together to learn about the amazing culture we have here in Australia.

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Executive summary



In 2020, all Australian governments, along with the Coalition of Aboriginal and Torres Strait Islander Peak Organisations, signed the National Agreement on Closing the Gap (the Agreement). They committed to mobilising all avenues available to them to achieve the objective of the Agreement – which is to overcome the entrenched inequality faced by too many Aboriginal and Torres Strait Islander people so that their life outcomes are equal to those of all Australians’.

The Productivity Commission’s first review of the Agreement shows that governments are not adequately delivering on this commitment. Progress in implementing the Agreement’s Priority Reforms has, for the most part, been weak and reflects a business-as-usual approach to implementing policies and programs that affect the lives of Aboriginal and Torres Strait Islander people. Current implementation raises questions about whether governments have fully grasped the scale of change required to their systems, operations and ways of working to deliver the unprecedented shift they have committed to.

It is too easy to find examples of government decisions that contradict commitments in the Agreement, that do not reflect Aboriginal and Torres Strait Islander people’s priorities and perspectives and that exacerbate, rather than remedy, disadvantage and discrimination. This is particularly obvious in youth justice systems.

Without stronger accountability for its implementation across all government organisations, the Agreement risks becoming another broken promise to Aboriginal and Torres Strait Islander people.

The Agreement sits within an evolving landscape

The landscape in which the Agreement sits today is fundamentally different to that which existed at the time it was signed in 2020, and indeed during the time of its predecessor, the National Indigenous Reform Agreement. The Agreement is now one of several key commitments made by governments to improve the lives of Aboriginal and Torres Strait Islander people. This includes a legislated Indigenous Voice to Parliament in South Australia, legislated Treaty and Truth telling processes in Victoria and Queensland, and the upcoming referendum to change the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice. These initiatives may result in new decision-making and accountability structures that could provide a further catalyst for changes to the way governments work with Aboriginal and Torres Strait Islander people. But, regardless of the outcomes of these processes, governments still have a responsibility to implement what they committed to in the Agreement. Into the future, consideration will need to be given to how the Agreement complements and can be strengthened by this architecture.

It is clear from the Commission’s engagement across the country that there is strong support for the Agreement’s Priority Reforms. They are seen as prerequisites for governments adopting a fundamentally new way of developing and implementing policies and programs that affect the lives of Aboriginal and Torres Strait Islander people.

The Agreement’s reforms have not been prioritised by governments

The central pillars of the Agreement are its four Priority Reforms.

- Priority Reform 1 – Formal partnerships and shared decision-making
- Priority Reform 2 – Building the community-controlled sector
- Priority Reform 3 – Transforming government organisations
- Priority Reform 4 – Shared access to data and information at a regional level.

These reforms are aimed at accelerating improvements in life outcomes for Aboriginal and Torres Strait Islander people (measured against 17 socio-economic outcomes). They are supported by a range of mechanisms to drive change, including commitments to develop place-based partnerships, policy partnerships

and plans for strengthening key sectors (initially covering the priority policy areas of justice, social and emotional wellbeing, health, housing, early childhood care and development, disability and languages).

Although there are pockets of good practice, overall progress against the Priority Reforms has been slow, uncoordinated and piecemeal. Despite over 2,000 initiatives being listed in governments' first implementation plans for Closing the Gap, many of these reflect what governments have been doing for many years. Actions often focus on the 'what' with little, if any, detail on the 'how' or the 'why'. There is, for the most part, no strategic approach that explains (and provides evidence for) how the initiatives that governments have identified will achieve the fundamental transformation envisaged in the Agreement. This makes it near impossible for Aboriginal and Torres Strait Islander people, and the broader Australian community, to use these plans to hold governments to account.

The commitment to shared decision-making is rarely achieved in practice

The Agreement commits governments to building and strengthening structures that empower Aboriginal and Torres Strait Islander people to share decision-making authority with governments (Priority Reform 1). Partnerships – place-based partnerships and policy partnerships – are the key mechanism used in the Agreement to achieve this.

Some governments have demonstrated a willingness to partner and share decision-making in some circumstances, however this is not observed more widely and, in some instances, there is contradictory practice. Governments are not yet sufficiently investing in partnerships or enacting the sharing of power that needs to occur if decisions are to be made jointly. There appears to be an assumption that 'governments know best', which is contrary to the principle of shared decision-making in the Agreement. Too many government agencies are implementing versions of shared decision-making that involve consulting with Aboriginal and Torres Strait Islander people on a pre-determined solution, rather than collaborating on the problem and co-designing a solution.

- Policy partnerships (relating to justice, social and emotional wellbeing, housing, early childhood care and development, and Aboriginal and Torres Strait Islander languages) currently function as forums for discussion, with little if any authority for shared decision-making on significant policy matters.
- Place-based partnerships under the Agreement are in their very early stages, but governments appear to have been willing to be guided by Aboriginal and Torres Strait Islander organisations and communities in the selection of locations. This is a necessary first step for the future viability and progress of the partnerships.

The elements of shared decision-making articulated in Priority Reform 1 do not appear to have been adopted in wider practice, beyond formal partnerships. This is despite the recognition that shared decision-making is essential to building trust and paving the way for implementation of all of the Priority Reforms.

Government policy doesn't reflect the value of the community-controlled sector

Governments have acknowledged that in a broad range of service delivery areas, Aboriginal and Torres Strait Islander community-controlled services generally achieve better results for Aboriginal and Torres Strait Islander people, and so they have agreed that more services should be delivered by Aboriginal community-controlled organisations (ACCOS) (Priority Reform 2). But they have taken few tangible steps to strengthen the various sectors to increase the proportion of services delivered by ACCOS.

The Commission heard from a number of ACCOS that they are sometimes treated as passive recipients of government funding, and that governments do not recognise that ACCOS are critical partners in delivering government services tailored to the priorities of their communities. This may be a symptom of unequal

bargaining power with government agencies, and a government approach to contracting that does not appreciate the knowledge that ACCOs bring to developing service models and solutions that are culturally safe and suited to communities. The Commission heard that where services are being shifted from mainstream service providers to ACCOs, governments often rigidly apply generic, pre-existing models of service and program design, instead of allowing ACCOs to design services and measure outcomes in ways that best suit their communities.

- In most jurisdictions, it is unclear how much funding is allocated to ACCOs and non-Indigenous, non-government organisations (NGOs), as most governments (with the exception of the NSW and ACT Governments) have not published their expenditure reviews (and some have not undertaken them). But we have heard that funding is continuing to go to NGOs and government service providers when it could be going to ACCOs. This could in part be addressed through changes to commissioning processes and contracting, to ensure that only service providers with the capability to provide culturally safe services are selected.
- Some governments (including Victoria, New South Wales, South Australia and Western Australia) are planning or piloting reforms to how they commission the services of ACCOs. But it remains to be seen if these reforms will be translated into lasting and widespread changes. Improvements to funding and contracting of ACCOs – including more flexible and longer-term contracts that cover the full costs of services, and reduced reporting burdens – are also needed.

The transformation of government organisations has barely begun

The Agreement requires systemic and structural transformation of mainstream government agencies and institutions to ensure they are accountable for Closing the Gap and are culturally safe and responsive to the needs of Aboriginal and Torres Strait Islander people, including through the services they fund (Priority Reform 3).

There is a stark absence of whole of government or organisation-level strategies for driving and delivering transformation in line with Priority Reform 3. We are yet to identify a government organisation that has articulated a clear vision for what transformation looks like, adopted a strategy to achieve that vision, and tracked the impact of actions within the organisation (and in the services that it funds) toward that vision.

Some government organisations are engaging in self-assessment exercises to understand what transformation is needed. But transformation can only be realised by drawing on the experiences and perspective of those who governments serve – in this case, Aboriginal and Torres Strait Islander people – and working together with this knowledge to develop a strategy. Without external perspectives government agencies will not be able to overcome any ‘blind spots’ relating to institutional racism, cultural safety and unconscious bias.

Governments’ efforts to date have largely focused on small-scale, individual actions (such as cultural capability training and workforce strategies to increase public sector employment of Aboriginal and Torres Strait Islander people) rather than system-level changes to policies and practices (although some positive changes to Cabinet and Budget processes have been implemented in several jurisdictions, including in the Australian, NSW and NT Governments).

There has been limited progress on putting in place an independent mechanism that will support, monitor and report on the transformation of government organisations in most jurisdictions.

Governments are not enabling Aboriginal- and Torres Strait Islander-led data

Priority Reform 4 requires governments to implement large-scale changes to data systems and practices to enable Aboriginal and Torres Strait Islander people to participate in decision-making about data and to use

data for their own purposes. Governments have made little progress on enacting these changes – Aboriginal and Torres Strait Islander organisations are continuing to report difficulties accessing government-held data, and often the data that is collected by government agencies does not reflect the realities of, or hold meaning for, Aboriginal and Torres Strait Islander people. As an illustration, the data held by government is often not able to be disaggregated at a local scale, and state- or territory-level data does not reflect what is happening within communities.

One of the reasons why there has been limited progress in implementing large-scale changes to data systems and practices in line with Priority Reform 4 could be that there is not a shared understanding of what Priority Reform 4 is trying to achieve. The Commission heard that Aboriginal and Torres Strait Islander people view Indigenous data sovereignty as the purpose of Priority Reform 4, but this is not clearly reflected in the text of the Agreement, nor in many governments' statements of what they are doing (in implementation plans, for example). Without clarity on this, there is unlikely to be meaningful and sustained progress on Priority Reform 4.

- The community data projects (a commitment under the Agreement) are behind schedule, and it is too early to assess their progress. But a promising sign is that governments are looking to Aboriginal and Torres Strait Islander partners to set priorities in many of these projects.

Performance reporting provides only a partial picture of progress

The Agreement specifies performance monitoring and public reporting arrangements to support transparency and public accountability for progress against socio-economic outcomes and the Priority Reforms. However, there are significant challenges in the design and implementation of these arrangements.

- Even though the Priority Reforms are the foundation of the Agreement, no data is being reported on the agreed targets or supporting indicators for the Priority Reforms. These are critical gaps in data.
- Progress towards socio-economic outcomes is measured against national-level targets, with no indication of how jurisdictions should be held to account for their contribution.

Data still needs to be reported for all of the targets under the Priority Reforms, four of the 19 socio-economic targets, 143 supporting indicators and 129 data development items. The scale of the data development task means that it is unlikely that all of these will be developed within 10 years of the commencement of the Agreement (that is, by 2030). Improved governance arrangements and careful prioritisation of data development efforts are needed.

Stronger accountability mechanisms are needed to drive change

Despite the range of accountability mechanisms in the Agreement, the Commission's assessment is that they are not sufficient to influence the type of change envisaged in the Agreement. The existing mechanisms lack 'bite' – they are not sufficiently independent, do not contain timely and appropriate consequences for failure, obscure the individual responsibilities of each party and are not informed by high-quality evaluation.

Aboriginal and Torres Strait Islander bodies could shine a spotlight

In recent years, Aboriginal and Torres Strait Islander bodies have been established in jurisdictions across Australia, and others are proposed or are being developed. They include the proposed Voice to the Australian Parliament and Government, state and territory Aboriginal and Torres Strait Islander representative bodies, Voices to State Parliaments, Treaty processes, and justice commissions. Each of these bodies will (or could) have a role to play in holding governments to account for actions affecting Aboriginal and Torres Strait Islander people. Similarly, the independent mechanism may be positioned to

shine a spotlight on good and bad practices under the Agreement and advocate for improved policies, programs and services affecting Aboriginal and Torres Strait Islander people, though its role may need to expand beyond Priority Reform 3 to include the Agreement in its entirety.

Clearer responsibilities for driving action within the public sector

Governments have not been delivering on their commitments to improve how the public sector designs and delivers policies and services that reflect the priorities and needs of Aboriginal and Torres Strait Islander people. They now need to establish stronger mechanisms so that they are held accountable for making changes from within. It is not acceptable for government employees to treat adhering to the principles of the Agreement as optional – these principles reflect essential capabilities and behaviours without which governments cannot hope to deliver on their Closing the Gap commitments.

The Commission is proposing several ways of embedding responsibilities for driving action within the public sector. These are:

- designating a senior leader or leadership group to drive change throughout the public sector in each jurisdiction
- embedding responsibility for doing the work to improve the public sector's relationship with Aboriginal and Torres Strait Islander people into the core employment requirements, and performance assessments, of all public sector CEOs, executives and employees
- ensuring that central agencies lead the changes to Cabinet, Budget, funding and contracting processes that are needed to deliver the outcomes of the Agreement
- establishing or enhancing sector-specific accountability mechanisms (such as Aboriginal and Torres Strait Islander Children's Commissioner roles).

Publishing meaningful implementation plans, reports and documents

Implementation plans and annual reports need to be documents that drive improved outcomes for Aboriginal and Torres Strait Islander people. To make them more useful, governments need to work more closely with Aboriginal and Torres Strait Islander partners. They need to agree on what actions are the most substantive and critical to achieving the objectives of the Agreement and how they will be implemented, and articulate these in their implementation plans and annual reports.

Greater transparency is also needed so that the Australian community can hold governments to account. Governments should publish the stocktakes, partnership agreements and other documents that have been developed under the Agreement.

Opportunity to respond to this draft report

The Commission is requesting further information on a range of issues and feedback on its draft recommendations. These can be found starting on page 8.

The views put forward in this draft report and accompanying information papers are not our final views. The Commission would like to hear from Aboriginal and Torres Strait Islander people and organisations, governments and the broader community on the content of the draft report and information papers, which will be taken into account before we finalise them. Submissions and brief comments are welcome by **6 October 2023**.

The Commission will also be conducting a further round of engagements with Aboriginal and Torres Strait Islander people, organisations and communities, as well as more targeted engagement with government agencies across jurisdictions.

The final report will be provided to the Joint Council on Closing the Gap by the end of 2023.

A guide to this draft report and accompanying information papers

This draft report (which includes an assessment of progress against the key commitments in the Agreement that can be found in the attachment to this paper) is supported by seven information papers available on the Commission's website (www.pc.gov.au/inquiries/current/closing-the-gap-review). These papers provide further detail (including case studies) on each of the main topics covered in this report. The information papers cover:

- the context and origins of the Agreement and the approach the Commission has taken to conduct the review, including who we engaged with (information paper 1)
- an assessment of progress against each of the four Priority Reforms in the Agreement (information papers 2-5)
- an assessment of the Agreement's performance reporting approach (information paper 6)
- the Commission's suggestions for embedding and strengthening accountability for implementing the Agreement (information paper 7).

These papers are complementary to this draft report. It is not necessary for you to read these papers to understand where the Commission has arrived at in its review or what our draft recommendations are.

Information requests and draft recommendations

The Commission is seeking further information on the matters outlined in the information requests below. We are also seeking feedback on the draft recommendations. In particular:

- Are the draft recommendations comprehensive? Does anything need to be added or removed from them?
- If implemented, will the draft recommendations be effective? How could they be made more effective?
- What else is underway that should be taken into account in making these recommendations?

Priority Reforms



Information request 1 Effectiveness of policy partnerships

The Commission is seeking further information on the effectiveness of the structure and governance arrangements for the Justice Policy Partnership and other policy partnerships established under the National Agreement on Closing the Gap.

- Are adequate support structures (such as resourcing and sufficient timeframes to provide views) in place to enable the participation of Aboriginal and Torres Strait Islander people and organisations? What else would help to support participation?
- How do policy partnerships build accountability into their structure and governance?
- Are the policy partnerships the right mechanism to address change across the five sectors? Are there other mechanisms that would be more effective?



Information request 2 Shifting service delivery to Aboriginal community-controlled organisations (ACCOs)

The Commission is seeking further information on:

- examples of good practice in transferring service delivery from mainstream organisations to ACCOs
- the risks to the sustainability of ACCOs from simply 'lifting and shifting' mainstream services into ACCO delivery
- putting obligations for governments into service delivery contracts, such as requirements for governments to provide data to ACCOs to enable them to design and deliver services that best meet the priorities and needs of service users
- the extent to which, in transferring service delivery from mainstream organisations to ACCOs, governments are reforming the way that services are contracted, funded, delivered, reported against and evaluated.



Information request 3 Transformation of government organisations

There is some information on how government organisations are implementing Priority Reform 3 in Closing the Gap implementation plans, annual reports and other public-facing documents, but this information is largely inadequate to understand whether government organisations have grappled with the nature and scale of change required.

The Commission is seeking additional information from government organisations on how they are implementing Priority Reform 3.

- What work have government organisations done to understand the systemic and structural changes that they need to make to improve accountability and respond to the needs of Aboriginal and Torres Strait Islander people?
- How have government organisations sought to address institutionalised racism?
- How have government organisations changed their organisational cultures and priorities to align with the principles of Priority Reform 3?
- How have these changes been reflected in government organisations' structures, operations and decision-making?
- What overarching changes need to occur at the whole-of-government level to ensure that changes within government organisations are not isolated activities?
- What role should truth-telling play in implementing Priority Reform 3?

The Commission has a strong preference that this information be provided by individual government organisations as public submissions to this review.



Information request 4 Indigenous data sovereignty and Priority Reform 4

What are the substantive differences between the way Priority Reform 4 is currently described in the National Agreement on Closing the Gap and an explicit reference to Indigenous data sovereignty as the objective of Priority Reform 4?

If the Agreement had Indigenous data sovereignty as the explicit objective of Priority Reform 4, what would governments have to do differently compared to what they have already committed to?



Information request 5

Legislative and policy change to support Priority Reform 4

What, if any, legislative or policy barriers are preventing governments from sharing data with Aboriginal and Torres Strait Islander people and organisations, or giving Aboriginal and Torres Strait Islander people more control over how data about them is governed?

What changes are needed to overcome these barriers, and what would be the costs and benefits of these changes?

Tracking progress



Draft recommendation 1

Appointing an organisation to lead data development under the Agreement

Responsibility for data development under the Agreement is currently split across multiple working groups and organisations, including the Productivity Commission. Without stronger data governance arrangements, there is a risk that the most important data to tracking progress under the Agreement will not be prioritised and developed.

An organisation or entity with dedicated resourcing and staffing to lead data development should be appointed. It should have the technical and cultural capability, resourcing and authority to lead this work and engage data custodians and Aboriginal and Torres Strait Islander organisations and communities in the development of appropriate solutions. There are many possible options for the organisation, including an independent research centre, government department, independent government agency, or a unit within a department or agency.

The chosen organisation's responsibilities should include leading work with parties to the Agreement to:

- develop a shared understanding and explicitly articulate **a conceptual logic underpinning the performance monitoring approach**. This should connect key reform actions and outputs under the Priority Reforms to the resulting intermediate outcomes intended to drive improvements in Aboriginal and Torres Strait Islander life outcomes. Intermediate outcomes should include common drivers of change across the socio-economic outcomes, where appropriate
- identify the most **critical indicators of change** under the Agreement and prioritise them for data development, following the conceptual logic
- determine the most **appropriate level of geographic data disaggregation** to hold jurisdictions to account for progress at a regional level, balancing community needs and data limitations
- coordinate and **develop solutions for indicators without data** with data custodians and Aboriginal and Torres Strait Islander organisations and communities.



Information request 6

Characteristics of the organisation to lead data development under the Agreement

If an organisation (such as an independent research centre, government department, independent government agency or a unit within a department or agency) were appointed to lead data development work to track progress under the Agreement (as per draft recommendation 1):

- What governance structure would ensure it has the authority and capability to deliver?
- What capabilities, skills or attributes should the organisation's leadership and staff have?
- How might it apply principles of Indigenous data sovereignty and governance in data development?



Information request 7

Performance reporting tools – dashboard and annual data compilation report

The Commission is seeking further information on how the performance reporting tools in the Agreement (namely the dashboard and annual data compilation report (ADCR)) are currently being used and how they could be improved.

- Who are the intended audiences for the dashboard and ADCR?
- How well do the dashboard and ADCR meet the needs of their intended audiences?
- Are there features or types of supporting information that should be included in the dashboard or ADCR to support the use and interpretation of the data?
- What information should the Agreement's performance reporting focus on providing relative to other reporting frameworks and tools (for example, the Aboriginal and Torres Strait Islander Health Performance Framework)?
- Is there a need for additional reporting tools to support the intended purposes of monitoring performance against the Agreement?



Information request 8

Quality of implementation plans and annual reports

Clauses 108 and 118 of the Agreement include clear criteria on how implementation plans and annual reports should be prepared and what they should include. This includes that implementation plans:

- are whole-of-government plans
- are developed and delivered in partnership with Aboriginal and Torres Strait Islander partners
- set out how existing policies and programs will be aligned to the Agreement
- set out actions to achieve the Priority Reforms, socio-economic outcomes and targets
- include information on funding and timeframes for actions.

The plans must also demonstrate the parties' commitment to undertake all actions in a way that takes full account of and promotes the cultures of Aboriginal and Torres Strait Islander people.

Annual reports should demonstrate how efforts, investment and actions are aligned and support the achievement of Closing the Gap goals.

Jurisdictions are not consistently preparing implementation plans and annual reports that meet these criteria. Current implementation plans list hundreds of piecemeal actions with, for the most part, no explanation of how the agreed actions are expected to result in the desired change. Annual reports do not include all the actions in implementation plans so there is no way to track progress or judge success or failure.

The Commission is seeking further information on how to improve the quality of governments' implementation plans and annual reports, and what is needed for governments to prepare the plans and reports according to the agreed criteria. Could this include a function for an external group (such as the independent mechanism) to assess adherence to the criteria?

A growing role for Aboriginal and Torres Strait Islander bodies in holding governments to account



Information request 9

Independent mechanism in the broader landscape

The Agreement provides for an independent mechanism that will drive accountability by supporting, monitoring and reporting on governments' transformations. But new and emerging Aboriginal and Torres Strait Islander bodies (such as the proposed Voice to the Australian Parliament and Government, state and territory representative bodies, a Voice to State Parliaments, Treaty processes, and justice commissions) will (or could) also have a role to play in accountability more broadly. With this in mind the Commission is seeking further information on the future role and functions of the independent mechanism.

- What are the essential features of the independent mechanism?
- What levers should the independent mechanism have to enable it to hold governments to account?
- Should the independent mechanism have a broader role – beyond Priority Reform 3 – so that it can drive accountability for progress towards all of the Priority Reforms in the Agreement?
- How could the independent mechanism improve the timeliness of accountability?
- How should the independent mechanism be situated with respect to the new and emerging Aboriginal and Torres Strait Islander bodies (such as the proposed Voice to the Australian Parliament and Government, state and territory representative bodies, Voices to State Parliaments, treaty processes, and justice commissions)? Is a stand-alone independent mechanism still required?
- What role should the independent mechanism play in reviewing and/or approving Closing the Gap implementation plans and annual reports?

Assigning clearer responsibilities and accountability for driving action within the public sector



Draft recommendation 2

Designating a senior leader or leadership group to drive jurisdiction-wide change

In each jurisdiction, a senior leader (such as the Secretary of the Prime Minister's, Premier's or Chief Minister's department, or the Public Sector Commissioner) or a leadership group with a wide span of influence (such as the Secretaries Board or another senior leadership group) should be tasked with promoting and embedding changes to public sector systems and culture. The objective of this task would be to identify and eliminate institutional racism, and to improve cultural capability and relationships with Aboriginal and Torres Strait Islander people, throughout the public sector.

At a minimum, this should include supporting the change with:

- continuous, consistent communication
- role modelling and reinforcement
- encouragement and support for desired behaviours
- relevant tools and skills-building.



Information request 10

Senior leader or leadership group to drive change in the public sector

Which senior leader or leadership group should be tasked with promoting and embedding changes to public sector systems and culture, in order to improve cultural capability and relationships with Aboriginal and Torres Strait Islander people and to eliminate institutional racism throughout the public sector?

- What tasks should they be assigned (see draft recommendation 2)?
- What would be the advantages and disadvantages of your preferred leader or leadership group?
- What particular skills or attributes would they need in order to improve cultural capability and relationships with Aboriginal and Torres Strait Islander people throughout the public sector?
- How would the role, powers and functions of this leader or leadership group need to change in order for them to succeed in this specific role?
- How could this leader or leadership group drive accountability right through the public sector, including operationally on the ground?



Draft recommendation 3

Embed responsibility for improving cultural capability and relationships with Aboriginal and Torres Strait Islander people into public sector employment requirements

The Queensland Government has recently implemented legislation which requires public sector CEOs, executives and employees to enhance their cultural capability and support the state government in reframing its relationship with Aboriginal peoples and Torres Strait Islander peoples.

The Australian, territory and other state governments should ensure that the employment requirements of all public sector CEOs, executives and employees require them to continually demonstrate how they have sought to:

- improve their cultural capability
- develop relationships with Aboriginal and Torres Strait Islander people
- identify and eliminate institutional racism
- support the principles outlined in the National Agreement on Closing the Gap.

These requirements should flow through into the performance agreements and KPIs of CEOs, executives and employees, with the strongest requirements placed on CEOs and executives.



Draft recommendation 4

Central agencies leading changes to Cabinet, Budget, funding and contracting processes

The Australian, state and territory governments should ensure that whole-of-government processes actively drive changes to deliver the outcomes of the National Agreement on Closing the Gap.

- At a minimum, this will require central agencies to review Cabinet, Budget, funding and contracting arrangements to ensure that they support the Agreement and its Priority Reforms.
- In many cases, this will require changes to Cabinet, Budget, funding and contracting arrangements to better support the Agreement, as well as guidance for agencies about best-practice approaches.



Information request 11 **Sector-specific accountability mechanisms**

The Commission is seeking further information on how well sector-specific accountability mechanisms (such as sector regulators, complaints commissioners and ombudsmen) are working for Aboriginal and Torres Islander people.

- What makes these sector-specific accountability mechanisms effective or ineffective?
- How could they contribute to enhancing accountability for outcomes under the National Agreement on Closing the Gap?
- How can dedicated Aboriginal and Torres Strait Islander accountability mechanisms (such as Aboriginal and Torres Strait Islander Children's Commissioner roles) help to improve accountability to Aboriginal and Torres Strait Islander people?

Improving transparency about actions taken to implement the Agreement



Draft recommendation 5 **Include a statement on Closing the Gap in government agencies' annual reports**

The Australian, state and territory governments each have legislation or rules that require government agencies to prepare annual reports containing certain specified information. They should amend the relevant legislation or rules to include a requirement for every agency to include a statement in its annual report on the substantive activities it undertook to implement the Agreement's Priority Reforms and the demonstrated outcomes of those activities.



Draft recommendation 6 **Publish all the documents developed under the Agreement**

To improve transparency and make it easier to assess progress, the Australian, state and territory governments should make public all of the outputs that are developed under the Agreement. This includes:

- partnership stocktakes
- partnership agreements
- expenditure reviews
- evaluations.





National Agreement on Closing the Gap

Approach and Method

The National Agreement on Closing the Gap was agreed upon in 2020 and builds on:

- Existing shared decision-making structures.
- The previous National Agreement.

The Agreement is unlike other national agreements.

- It is the first that includes a non-government signatory (the Coalition of Peaks).
- It is ambitious in the scale of change required.
- It calls for fundamental change in the way governments work with Aboriginal and Torres Strait Islander people.

There are four Priority Reforms in the Agreement

Priority Reform 1

Formal partnerships and shared decision-making

Priority Reform 2

Strengthening the community-controlled sector

Priority Reform 3

Transforming government organisations

Priority Reform 4

Shared access to data and information at a regional level

The Priority Reforms aim to drive achievement of the Agreement's 17 socio-economic outcomes and 19 targets. This first review focuses on assessing progress against the Priority Reforms.

Engagement

We engaged with Aboriginal and Torres Strait Islander organisations and communities from across the country and a wide range of sectors.

121 meetings were with Aboriginal and Torres Strait Islander organisations from the 186 meetings we had.

15 submissions were from Aboriginal and Torres Strait Islander organisations from the 32 submissions we received.

4 virtual roundtables were held with organisations in priority policy areas.

Our Engagement Principles

- Fairness and inclusivity
- Consistent and ongoing engagement
- Transparency and openness
- Reciprocity

We have assessed progress by:

- Measuring the progress of the specific commitments in the Agreement.
- Reviewing the actions governments have set out in their implementation plans.
- Noting where we can see progress has been made and where more work is needed.



[Read the draft report](#)





Priority Reform 1

Partnerships and shared decision-making



Priority Reform 1 commits governments to share decision-making with Aboriginal and Torres Strait Islander people through:



↪ Five new policy partnerships.

↪ Six new place-based partnerships.

↪ Reviewing and strengthening existing partnerships.

When are governments sharing decision-making?

Governments have shown they can share decision-making when there is trust and a balance of power, including:

- In emergencies such as during COVID-19 when governments partnered with community-controlled organisations who were well prepared to meet their communities' needs.
- When Aboriginal and Torres Strait Islander groups have pushed governments to 'come to the table' through co-investment or convening.
- In Victoria's Pathway to Treaty where legislation and political commitment enables parties to work together.

What do governments still need to do?

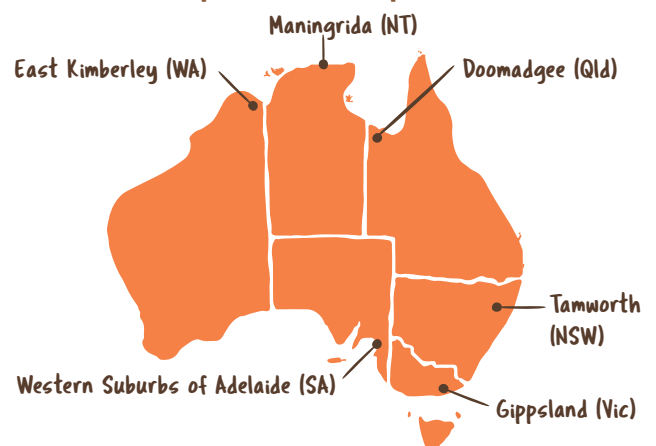
- Take time to properly listen to communities about their priorities instead of consulting with communities on predetermined outcomes.
- Engage earlier and more often with communities to build trust.
- Recognise the value Aboriginal and Torres Strait Islander people can bring to policy development and service delivery.
- Invest in partnerships with adequate time and funding.
- Transform their processes and systems to become better, more credible partners.

Policy Partnership Sectors

- ↪ Justice
- ↪ Early Childhood Care and Development
- ↪ Housing
- ↪ Social and Emotional Wellbeing
- ↪ Aboriginal and Torres Strait Islander Languages

Overall, policy partnerships are acting more like forums, rather than a place where joint decision-making happens. It remains to be seen how they will drive change on policy matters.

Place-based partnership locations



The place-based partnerships are still new but Aboriginal and Torres Strait Islander organisations and communities had a role in choosing the locations.

Have your say

Read the draft report





Priority Reform 2

Strengthening the community-controlled sector

Priority Reform 2 commits governments to strengthening the Aboriginal and Torres Strait Islander community-controlled (ACCO) sector.

This would mean that all ACCOs could:

- Identify problems and co-design solutions.
- Provide culturally safe and high-quality services.
- Define success based on the needs of the communities they provide services to.

Governments need to:

- Recognise that ACCOs achieve better results for Aboriginal and Torres Strait Islander people.
- Take steps to strengthen the various sectors.
- Increase the number of services designed and delivered by ACCOs.
- Provide dedicated, reliable, and consistent funding.
- Change how services are designed, contracted, funded, delivered, and evaluated.

Sector strengthening

Four sector strengthening plans (SSPs) have been developed, but they lack detail and accountability. Since there is not much information on SSP progress available, it is unclear whether the SSPs will be effective in driving change.

For SSPs to be effective, governments need to be held to account for progressing the actions they have agreed on.

What is changing?

Some government departments are starting to:

- Provide flexibility by introducing longer term contracts.
- Prioritise funding to ACCOs in procurement, grant or program guidelines in sectors like child protection.
- Reduce reporting requirements.

These approaches show promise and could be used more widely.

Overall, progress has been slow, and many processes still follow a business-as-usual approach to policies and programs that affect the lives of Aboriginal and Torres Strait Islander people.

Have your say

Read the draft report



Priority Reform 3

Transforming government organisations



Priority Reform 3 commits all government organisations to transformation that includes:

- ↪ Systemic and structural change.
- ↪ Improving accountability.
- ↪ Changing how they respond to the needs of Aboriginal and Torres Strait Islander people.
- ↪ Identifying and eliminating racism.
- ↪ Embedding and practicing meaningful cultural safety.
- ↪ Improving engagement with Aboriginal and Torres Strait Islander people.

Transformation requires ongoing changes to:

Policies and processes of government organisations

Workplace culture in the public sector

Incentives that determine how public sector staff and leadership behave

Services that governments fund

What are governments doing to transform?

- Cultural capability training.
- Strategies to increase employment of Aboriginal and Torres Strait Islander people in the public sector.
- Engaging in self-assessment to understand their current state and how to progress Priority Reform 3.

There is a lack of whole of government or organisation-level strategies for driving and delivering this transformation.

What do governments still need to do?

- Get out of doing business-as-usual and consider the scale of what they have committed to.
- Explain what transformation looks like, how it will be achieved and how implementation will be tracked.
- Draw on the perspectives and experiences of Aboriginal and Torres Strait Islander people, organisations and communities to assess where institutional racism and unconscious bias lies within their systems and operations.
- Implement the independent mechanism.

Have your say

Read the draft report

Lack of progress on Priority Reform 3 is putting the other Priority Reforms and the Agreement as a whole at risk.





Priority Reform 4

Shared access to data and information at a regional level

Priority Reform 4 commits governments to:

- Change the way governments work with data.
- Change the way governments work with Aboriginal and Torres Strait Islander people in relation to data.

What are governments doing?

- Most governments' actions have been about sharing existing government data.
- Governments do not value what Aboriginal and Torres Strait Islander people say about how data should be used, and have not changed how data is used in policy making to reflect this.
- Governments are not supporting Aboriginal and Torres Strait Islander people's data capability enough.

Overall, there has been little change relating to Priority Reform 4.

What do governments still need to do?

- Be transparent and open to sharing data with Aboriginal and Torres Strait Islander people.
- Support government officials to change how they see their roles and responsibilities.
- Engage with Aboriginal and Torres Strait Islander communities to build a better understanding of what Indigenous data sovereignty means and how data systems need to change.
- Support Aboriginal and Torres Strait Islander organisations to develop data capability so they can effectively undertake data activities.

Community data projects:

- Have been delayed and are unlikely to be established by the end of 2023, as required by the Agreement.
- The locations for all six projects have been chosen.
- The specific goals and topics of most projects still haven't been decided.
- Governments are looking to partner with Aboriginal and Torres Strait Islander partners to decide what the goals of the community data projects are.

Have your say

The Agreement does not say that Indigenous data sovereignty is the goal of Priority Reform 4. But the commitments that have been made have some overlaps with it.

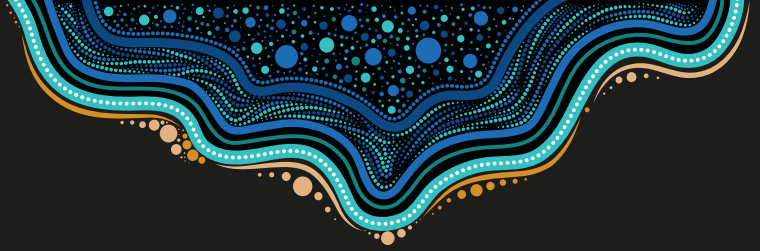


Should the Agreement change to say that Indigenous data sovereignty is the goal of Priority Reform 4? Why?



What difference would it make if the Agreement said that Indigenous data sovereignty was the goal of Priority Reform 4?

[Read the draft report](#)



Tracking Progress

Knowing if the Agreement is making a difference

The Agreement's performance monitoring approach:

- Should drive government effort and give the community consistent information on progress.
- Is made up of hundreds of targets and indicators that measure progress towards outcomes, and most of these are not yet reported.
- Is developed and reported based on data governance and reporting arrangements.
- Recognises the importance of Aboriginal and Torres Strait Islander self-determination and cultural recognition.
- Still needs work to centre Aboriginal and Torres Strait Islander perspectives.

The performance monitoring approach could be improved by:

- Making it clear how much progress each jurisdiction is expected to contribute to the national targets.
- Including data for communities to track the effort and progress governments are making by region.
- Explaining how the Priority Reforms will improve socio-economic outcomes for Aboriginal and Torres Strait Islander people.
- Filling important data gaps needed to track the progress of Priority Reforms, some socio-economic outcomes, and the role of culture in driving change.

[Read the draft report](#)

[Have your say](#)

Governments' implementation plans and annual reports:

- Include long lists of actions but do not explain how they will improve outcomes.
- Do not track the same set of actions.
- Do not stick to the reporting requirements set out in the Agreement.
- Do not include clear information about when actions will be delivered or the amount of funding.
- Are hard for community to use to understand the efforts governments are making to achieve the Priority Reforms.

Data governance needs to be improved

- Progress developing data has been slow and plans have been delayed.
- It is still not clear who is responsible for new data development.
- There is not enough resourcing or capability to engage with data custodians and Aboriginal and Torres Strait Islander organisations and communities to develop solutions.
- One organisation with relevant technical and cultural knowledge should be resourced to lead data development.

- Who should lead new data development, and how could data governance apply principles of Indigenous Data Sovereignty and Governance?
- What authority, skills and qualities would this data development organisation need to deliver results?
- What would make the public dashboard and annual data compilation reports more useful for the community?
- How could the quality of the implementation plans and annual reports be improved?





Accountability

Ways to drive change



The accountability mechanisms in the National Agreement are not enough to drive change.

Governments must be accountable for:

- Sticking to the commitments they have made under the Agreement, and for the times they have acted against the Agreement.
- Making changes and truly transforming across departments and government agencies.
- Improving public sector relationships with Aboriginal and Torres Strait Islander people.

To improve life outcomes for Aboriginal and Torres Strait Islander people the accountability mechanisms need to have bite to influence the type and scale of change needed.

Have your say



How else can governments be held accountable?

- Creating new commissioners in key sectors, such as Aboriginal Children's Commissioners?
- Which senior leader or leadership group should be given the job of pushing change?
- Should Priority Reform 3's independent mechanism oversee the whole Agreement?

New proposed Aboriginal and Torres Strait Islander Voice, Treaty and Truth bodies can:

- Shine a spotlight on good and bad practices.
- Advocate for appropriate policies, programs, and services.

Some of the steps required to drive change in the public sector are:

- Giving a senior leader or leadership group the job of pushing change across each state and territory.
- Changing employment requirements of all public sector staff.
- Making changes to Cabinet, Budget, funding and contracting processes to include Aboriginal and Torres Strait Islander perspectives.
- Publishing completed stocktakes, agreements, evaluations and other documents developed under the Agreement.



Read the draft report





TORRES STRAIT ISLAND REGIONAL COUNCIL

MEETING MOVE INTO CLOSED BUSINESS

Resolution to close the meeting to the public:

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

Personal Interests

Councillors are reminded to declare any Conflict of Interest matters for those items listed and if any conflicts arise during deliberations.

MOVED:

SECONDED:



TORRES STRAIT ISLAND REGIONAL COUNCIL

COUNCIL MEETING MOVE OUT OF CLOSED BUSINESS

Resolution to MOVE OUT of Closed Business:

That the Council resolve to reopen the meeting to the public pursuant to section 254I of the *Local Government Regulation 2012*.

MOVED:

SECONDED: