

MINUTES

TORRES STRAIT ISLAND REGIONAL COUNCIL

DECEMBER 2020

Tuesday 8th December 2020, 10:30am – 5:00pm Wednesday 9th December 2020, 9:00am – 5:00pm

Community Hall, Badu Island

Tuesday 8th December 2020

Present

Cr Phillemon Mosby, Mayor

Cr Torenzo Elisala, Division 2 – Dauan

Cr Conwell Tabuai, Division 3 – Saibai

Cr Keith Fell, Division 4 – Mabuiag

Cr Laurie Nona, Division 5 – Badu

Cr Lama Trinkoon, Division 6 - Kubin, Mua Island

Cr Seriako Dorante, Division 8 – Kirriri

Cr Getano Lui Jnr, Division 9 - Iama

Cr Kabay Tamu, Division 10 – Warraber

Cr Francis Pearson, Division 11 - Poruma

Cr Hilda Mosby, Division 12 - Masig

Cr Rocky Stephen, Division 13 – Ugar

Cr Aven Noah, Division 15 - Mer

Mr David Baldwin, Chief Engineer/ Acting Chief Executive Officer (CE/ ACEO)

Mr Ilario Sabatino, Chief Operating Officer (COO)

Ms Nicola Daniels, Acting Chief Financial Officer (Acting CFO)

Mr Peter Krebs, Senior Legal Counsel (SLC)

Mrs Ursula Nai, Senior Executive Assistant (SEA)

Mrs Kathy Cochran – Secretariat Officer (SO)

Apologies

Cr Dimas Toby, Division 1 – Boigu Cr John Levi, Division 7 – St Pauls, Mua Island Ms Hollie Faithfull, Acting Chief Executive Officer – Sick Leave

COUNCIL ORDINARY MEETING

Tuesday 8th December 2020

Agenda Items

1. <u>10:38am – 10:39am</u> <u>Welcome and Opening Remarks</u>

Mayor Mosby welcomed Councillors and staff and opened the Council Ordinary for December 2020.

2. <u>10:39am – 10:41am</u> Apologies

Cr Dimas Toby – Division 1 – Boigu (sorry business)

RESOLUTION:

Moved: Cr Noah; Second: Cr Elisala

Council resolves to accept the apology from Cr Toby for his absence at the December 2020 Council Ordinary Meeting at Badu.

MOTION CARRIED

• Cr John Levi – Division 7 – St Pauls (medical reasons)

RESOLUTION:

Moved: Cr Pearson; Second: Cr Tabuai

Council resolves to accept the apology from Cr Levi for his absence at the December 2020 Council Ordinary Meeting at Badu.

MOTION CARRIED

3. <u>10:41am – 10:42am</u> <u>Declaration of Conflict of Interest (COI) (Prescribed and Declarable)</u>

No declaration made, Mayor encouraged Councillors and staff to make a declaration at any time.

4. <u>10:42am – 10:54am</u> <u>Confirmation of Meeting Minutes</u>

November 2020 Ordinary Meeting

RESOLUTION:

Moved: Cr Pearson; Second: Cr Tabuai

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

MOTION CARRIED

Economic Growth Committee

RESOLUTION:

Moved: Cr Stephen; Second: Cr Tabuai

That the minutes of the Economic Growth Committee Meeting held in November 2020 in Cairns, be adopted as a true and accurate record of that meeting.

Climate Change Adaptation and Environment Committee

RESOLUTION:

Moved: Cr Mosby; Second: Cr Tamu

That the minutes of the Climate Change Adaptation and Environment Committee Meeting held in November 2020 via video conference, be adopted as a true and accurate record of that meeting.

MOTION CARRIED

• Cultural Art and Land and Heritage Committee

Minutes will be tabled later in the meeting.

<u>ACTION:</u> SARG to look at extended engagement with TSRA portfolio members and TSIRC Standing committees.

5. <u>10:54am – 11:13am</u>

COUNCIL MOVE INTO CLOSED BUSINESS

RESOLUTION:

Moved: Cr Elisala; Second: Cr Tabuai

That in accordance with section 254J of the *Local Government Regulation* 2012 (Qld) it is resolved for the meeting to go into closed session to discuss matters of the following nature:

b) industrial matters affecting employees; and

MOTION CARRIED

Industrial Matter

6. <u>11:13pm – 11:13pm</u>

COUNCIL MOVE OUT OF CLOSED BUSINESS

RESOLUTION:

Moved: Cr Elisala; Second: Cr Pearson
That Council move out of Closed Busines.

MOTION CARRIED

RESOLUTION:

Moved: Cr Elisala; Second: Cr Nona

That under Section 195 of the Local Government Act 2009, Council appoints David Baldwin as Acting Chief Executive Officer to perform the Chief Executive Officer's responsibilities until Acting Chief Executive Officer, Hollie Faithfull returns from her current absence.

MOTION CARRIED

7. <u>11:14am – 11:48am</u> <u>Outstanding Ordinary Meeting Action Items</u>

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

Issues for China – PNG joint fishing venture. Mayor Mosby expressed disappointment with the lack of action from our team with a press release.

Cr Fell raised the Business Cards action to be placed on the action items list.

11:48am - Cr Lui joins the meeting.

8. <u>11:49am - 12:00pm</u> <u>BUSINESS SERVICES - Budget Review</u>

Acting Chief Financial Officer spoke to the report. Item left lying on the table for further enquiries to be made.

ITEM LEFT LYING ON THE TABLE

<u>ACTION:</u> CEO to ensure all reports are signed by the appropriate officers and Chief Executive officers before being tabled.

12:00am - Mayor requested for all staff to leave the room except the Acting Chief Executive Officer.

12:40pm - 1:40pm - LUNCH

Mayor Mosby reiterated to staff for all reports are to be reviewed and signed by the CEO before coming to Council. CEO to ensure this information is filtered through to staff.

9. <u>1:44pm – 1:45pm</u>

COUNCIL MOVE INTO CLOSED BUSINESS

RESOLUTION:

Moved: Cr Nona; Second: Cr Tabuai

That in accordance with section 254J of the *Local Government Regulation* 2012 (Qld) it is resolved for the meeting to go into closed session to discuss matters of the following nature:

- b) industrial matters affecting employees; and
- g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;

MOTION CARRIED

- 10. LEGAL Development Application 125 Chapman St, Badu
- 11. LEGAL CB TSIMA Licence Agreement
- 12. OCEO CB Industrial Relations Update (staff asked to leave the room at 2:30pm)

13. <u>1:40pm – 1:40pm</u>

COUNCIL MOVE OUT OF CLOSED BUSINESS

RESOLUTION:

Moved: Cr Elisala; Second: Cr Nona

That Council move out of Closed Business.

RESOLUTION ARISING FROM MATTERS DISCUSSED IN CLOSED SESSION

10. <u>LEGAL Development Application – 125 Chapman ST, Badu</u>

Cr Nona declared a conflict - close relative. Cr Nona left the room at 1:46pm

Cr Trinkoon declared a conflict - close relative. Cr Trinkoon left the room at 2:05pm

RESOLUTION 1:

Moved: Cr Tabuai; Second: Cr Pearson

That Council issue a Development Permit for "Reconfiguration of a Lot" with the inclusion of the conditions set out in Part 5 of the Development application Assessment Report for Badu Island, Badu QLD 4875 (Reconfiguration of Lot 125 SP274784 Badu into new lots 1250 and 1251).

MOTION CARRIED

RESOLUTION 2:

Moved: Cr Fell; Second: Cr Tamu

Without prejudice to Council's accrued rights in relation to the dwelling at 125 Chapman Street, Badu, Council resolves to surrender its lease over proposed new lot 1251 (part of Lot 125 on SP274784) only, and divest the dwelling on the land, to Mura Badulgal (Torres Strait Islanders) Corporation RNTBC for peppercorn consideration, subject to:

- a) Written consent from the Department of Housing and Public Works; and
- b) Allocation of current lease 715599235 to new lot 1250 (125A Chapman Street, Badu).

MOTION CARRIED

RESOLUTION 3:

Moved: Cr Pearson; Second: Cr Mosby Against. Cr Noah

Noting that the dwelling is a current council asset and is subject to tenancy management funding through the Department of Housing and Public Works, Council resolves to enforce the payment of rent for occupation of 125 Chapman Street, Badu, under general tenancy agreement.

MOTION CARRIED

2:15pm – Cr Trinkoon re-joins the meeting. Cr Nona is also contacted by phone to re-join the meeting.

2:25pm - Cr Nona re-joins the meeting.

2:30pm – Staff asked to leave the room except Acting Chief Executive Officer

11. <u>LEGAL - CB - TSIMA Licence Agreement</u>

RESOLUTION:

No one moved the motion

That Council resolve to:

- (a) waive commercial licence fees for the TSIMA Poruma premises for up to seven months to 30 June 2021, subject to TSIMA providing in kind promotional support; and
- (b) delegate to the CEO the power to negotiate, agree on, sign, and discharge the necessary licence agreement variation incorporating TSIMA's commitment to in-kind promotional support.

MOTION LOST

12. Industrial Relations Update

All staff except the Acting Chief Executive Officer left the room for this discussion at 2:30pm and returned at 2:58pm.

Acting Chief Executive Officer provided Council with a verbal update only. No resolution made.

14. <u>2:58pm – 2:59pm</u> <u>ENGINEERING – Funding Matter – Torres Strait Seawalls Programme</u> Stage 2

David Baldwin, Acting Chief Executive Officer spoke to the report.

RESOLUTION:

Moved: Cr Fell; Second: Cr Tabuai

That pursuant to Section 257 of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer:

- 1. power to make, amend or discharge current funding agreement signed/dated 11th November 2019 for Torres Strait Seawalls Programme Stage 2 to include the grant sum of additional \$20 Million from the Commonwealth Government to fund Coastal Defence works on lama, Warraber & Masig.
- 2. power to negotiate, finalise and execute any and all matters associated with or in relation to this funding agreement including without limitation any options and/or variations.

MOTION CARRIED

15. <u>2:59pm – 3:34pm</u> <u>CORPORATE - Community Grants and Donation Procedures</u>

Acting Chief Financial Officer spoke to the report. After some deliberation Council proposed to revisit and review the Policy.

ACTION: Revisit and review the Community Grants Policy.

RESOLUTION:

Moved: Cr Mosby; Second: Cr Noah

That Council resolves to note that changes, incorporated into the Community Grant Procedure, align with the November 2020 workshop discussion.

MOTION CARRIED

Seven Councillors voted for the motion (Cr Nona, Cr Mosby, Cr Pearson, Cr Trinkoon, Cr Tamu, Cr Noah, and

<u>Mayor Mosby</u>

Six Councillors voted against the motion (Cr Elisala, Cr Tabuai, Cr Fell, Cr Dorante, Cr Stephen, and Cr Lui)

3:34pm – 2:45pm CORPORATE – Communication Policy

Acting Chief Financial Officer spoke to the report.

RESOLUTION:

Moved: Cr Noah; Second: Cr Nona

That Council resolves to adopt the Acceptable Request and Communication Protocol Policy; and delegate authority to the Chief Executive Officer (CEO) in accordance with the *Local Government Act* 2009 to update appendix 2 of the policy as required and make further minor administrative amendments as they arise.

3:50pm - 4:04pm - AFTERNOON TEA

16. <u>4:04pm – 4:06pm</u> <u>CORPORATE – Terms of Reference – Standing Committees</u>

Acting Chief Financial Officer spoke to the report.

RESOLUTION:

Moved: Cr Nona; Second: Cr Noah

That Council resolves to:

1. Endorse the updated Terms of Reference for the Standing Committees.

MOTION CARRIED

17. <u>4:06pm – 4:09pm</u> <u>BUILDING – Contract Matter – 46 Aikuru St, Warraber</u>

Chief Operating Officer spoke to the report.

RESOLUTION:

Moved: Cr Fell: Second: Cr Pearson

Council resolves to:

- Submit a tender to the Queensland State Government through the Department of Housing and Public Works to carry out various upgrade works at 46 Aikuru Street, Warraber Island (WS153764) with tender price of \$264,422.40 excl of GST and;
- 2. Delegate to the Chief Executive Officer's submit the tender, enter into contracts, negotiate, finalise, and execute any and all matters in relation to this tender.

MOTION CARRIED

<u>ACTION</u>: SO to advise Head of Building Services that Contractual matter are dealt with in open business and to remove "Closed Business" from their report header.

18. 4:09pm – 4:11pm BUILDING – Contract Matter – 33B Dabus St, Warraber

Chief Operating Officer spoke to the report.

RESOLUTION:

Moved: Cr Fell; Second: Cr Stephen

Council resolves to:

- Submit a tender to the Queensland State Government through the Department of Housing and Public Works to carry out various upgrade works at 33B Dabus Street, Warraber Island (WS153789) with a tender price of \$280,488.20 excl of GST and;
- 2. Delegate to the Chief Executive Officer's submit the tender, enter into contracts, negotiate, finalise, and execute any and all matters in relation to this tender.

19. 4:11pm – 4:13pm BUILDING – Contract Matter - 12 Phillemon St, Warraber

Chief Operating Officer spoke to the report.

RESOLUTION:

Moved: Cr Fell; Second: Cr Noah

Council resolves to:

- Submit a tender to the Queensland State Government through the Department of Housing and Public Works to carry out various upgrade works at 12 Phillemon Street, Warraber Island (QBFNQ0540BLD1) with a tender price of \$231,110.30 excl of GST and
- 2. Delegate to the Chief Executive Officer's to submit the tender, enter into contracts, negotiate, finalise, and execute any and all matters in relation to this tender.

MOTION CARRIED

ACTION: Information Report to come to Council (see COO)

20. 4:13pm – 4:20pm BUILDING – Contract Matter – 14 Aikuru St, Warraber

Chief Operating Officer spoke to the report.

RESOLUTION:

Moved: Cr Fell; Second: Cr Pearson

Council resolves to:

- Submit a tender to the Queensland State Government through the Department of Housing and Public Works to carry out various upgrade works at 14 Aikuru Street, Warraber Island (WS1538914) with a tender price of \$232,951.58 excl of GST and;
- 2. Delegate to the Chief Executive Officer's to submit the tender, enter into contracts, negotiate, finalise, and execute any and all matters in relation to this tender.

MOTION CARRIED

21. <u>4:20pm – 4:45pm</u> <u>OCEO – 2021 Ordinary Meeting Dates</u>

Acting Chief Financial Officer spoke to the report. Council suggested the May meeting should be held face to face in Cairns. Acting Chief Financial Officer advised Council only six face to face meeting were budgeted for in this period and the Cairns face to face would make it seven face to face.

RESOLUTION:

Moved: Cr Tabuai: Second: Cr Nona

1. That Council endorse the following dates and venue as Council's Ordinary meeting dates for 2021;

Month 2020	Date	Venue/ Division
January	19-20	F2F – Poruma
February	16-17	Video Conference
March	16-17	F2F – Mabuiag
April	20-21	Video Conference
May	17-18	F2F – Cairns –
June	29-30	Video Conference
July	20-21	F2F – lama

August	17-18	Video Conference
September	21-22	F2F – Hammond
October	19-20	Video Conference
November	15-16	F2F – Cairns
December	14-15	F2F – Moa

2. That Council endorse the following dates and venue as the ordinary meeting dates for its Standing Committees for 2021:

Standing Committee	Meeting dates/times/venue		
SARG	Friday 12 th January 2021 9am – 12pm		
	Tuesday 2 nd February 2021 1pm – 4pm		
	Tuesday 2 nd March 2021 1pm – 4pm		
	Tuesday 6 th April 2021 1pm – 4pm		
	Tuesday 4 th May 2021 1pm – 4pm Tuesday 15 th June 2021 1pm – 4pm Tuesday 6 th July 2021 1pm – 4pm		
	Tuesday 3 rd August 2021 1pm – 4pm		
	Tuesday 7 th September 2021 1pm – 4pm		
	Tuesday 5 th October 2021 1pm – 4pm		
	Tuesday 2 nd November 2021 1pm – 4pm		
	Tuesday 30 th November 2021 1pm – 4pm		
Governance and	22 nd February 2021		
Leadership	21st June 2021		
Committee	23 rd August 2021		
	25 th October 2021		
Housing and Safe and	23 rd February 2021		
Healthy Communities	22 nd June 2021		
Committee	24 th August 2021		
	26 th October 2021		
Climate Change	24 th February 2021		
Adaptation and	23 rd June 2021		
Environment	25 th August 2021		
Committee	27 th October 2021		
Economic Growth	25 th February 2021		
Committee	24 th June 2021		
	26 th August 2021		
	28 th October 2021		
Cultural Arts, Land	26 th February 2021		
and Heritage	25 th June 2021		
Committee	27 th August 2021		
	29 th October 2021		

MOTIN CARRIED

22. <u>4:54pm – 4:55pm</u>

OCEO - Local Fares Scheme (verbal)

Verbal update was to be provided by the Acting Chief Executive Officer but was left lying on the table.

23. <u>4:55pm – 4:56pm</u>

Closing Remarks and Prayer

Mayor thanked everyone for their attendance and contribution and closed the meeting in prayer.

MEETING CLOSED 4:56pm

Wednesday 9th December 2020

Present

Cr Phillemon Mosby, Mayor

Cr Torenzo Elisala, Division 2 – Dauan

Cr Conwell Tabuai, Division 3 – Saibai

Cr Keith Fell, Division 4 – Mabuiag

Cr Laurie Nona, Division 5 – Badu

Cr Lama Trinkoon, Division 6 - Kubin, Mua Island

Cr Seriako Dorante, Division 8 – Kirriri

Cr Getano Lui Jnr, Division 9 – Iama

Cr Kabay Tamu, Division 10 – Warraber

Cr Francis Pearson, Division 11 – Poruma

Cr Hilda Mosby, Division 12 - Masig

Cr Rocky Stephen, Division 13 – Ugar

Cr Aven Noah, Division 15 - Mer

Mr David Baldwin, Acting Chief Executive Officer / Chief Engineer (ACEO/ CE)

Mr Ilario Sabatino, Chief Operating Officer (COO)

Ms Nicola Daniels, Acting Chief Financial Officer (Acting CFO)

Mr Peter Krebs, Senior Legal Counsel (SLC)

Mrs Ursula Nai, Senior Executive Assistant (SEA)

Mrs Kathy Cochran – Secretariat Officer (SO)

Apologies

Cr Dimas Toby, Division 1 - Boigu

Cr John Levi, Division 7 - St Pauls, Mua Island

Ms Hollie Faithfull, Acting Chief Executive Officer (Acting CEO) – Sick Leave

COUNCIL ORDINARY MEETING Wednesday 9th December 2020 Agenda Items

24. <u>9:00am – 9:05am</u> <u>Welcome and opening prayer.</u>

Mayor Mosby welcomed Councillors and staff and members of the public present in the gallery. Mayor paid respect and acknowledged;

- Traditional owners of Badu
- Elders and Leaders past, present and emerging
- Spiritual leaders

Mayor invited Cr Lui to open the meeting in prayer.

25. 9:05am – 9:35am PRESENTATION 1: Mr Gerald Bowie

26. 9:35am – 9:45am LEGAL – Delegations Register update

Senior Legal Counsel spoke to the report. Council requested further consultation be made with Councillors. All Councillors in favour.

ITEM LEFT LYING ON THE TABLE

27. 9:45am – 10:15am OCEO – Contractual Matter – Telstra Contract

Chief Financial Officer spoke to the report. Council requested further investigation and due diligent is done properly before report being tabled.

ITEM LEFT LYING ON THE TABLE

<u>ACTION:</u> Chief Executive officers to ensure reports have correct headers and business type (open/closed business, agenda/information) going forward.

10:15am - 10:33am - MORNING TEA

28. <u>10:30am – 12:36pm</u> <u>PRESENTATION 2</u>: Ms Jacqueline Herbert – Department of Foreign

Affairs and Trading, Thursday Island

ACTION: Melanie will seek further clarity and report back to Councillor Nona on concerns raised.

ACTION: Send a letter to Queensland Health regarding access to Saibai Health Services.

Council fully supports to maintain the travel ban - Torres Strait Treaty

<u>ACTION:</u> Notice drafted by Jacqueline to come to Mayor for signature. SEA to follow up with Department of Foreign Affairs and Trading.

12:36pm - 1:40pm - LUNCH

29. <u>1:40am – 2:30pm</u> <u>PRESENTATION 3</u>: Skytrans – Sam Collings

2:02pm: Acting CEO informs Council several Councillors and Chief Operating Officer will need to leave because of emergency and due to communications being down. (COO, Cr Noah, Cr Dorante, Cr Elisala and Cr Fell)

Mayor Mosby and Acting Chief Executive Officer supports the leave on the grounds of legal advice received. Mayor asked if a resolution is required and the advice was no not required.

Cr Elisala apologised to Cr Nona for leaving early due to cultural reasons and weather predictions for return travel. (Cr Elisala travel by dinghy)

30. <u>2:30pm – 3:30pm</u> <u>BUSINESS SERVICES – Budget Review 1</u>

Acting Chief Financial Officer spoke to the report.

RESOLUTION:

Moved: Cr Noah; Second: Cr Fell

That Council adopts in accordance with s169 and s170 of the Local Government Regulation 2012 an amended budget for the 2020-2021 Financial Year as presented, incorporating:

- (i) The statements of financial position;
- (ii) The statements of cashflow;
- (iii) The statements of income and expenditure;
- (iv) The statements of changes in equity;
- (v) The long-term financial forecast;
- (vi) The relevant measures of financial sustainability; and
- (vii) The total value of the change, expressed as a percentage, in the rates and utility charges levied for the financial year compared with the rates and utility charges levied in the previous budget; and (viii) Capital budget.

MOTION CARRIED

31. <u>2:30pm – 3:18pm</u> <u>PRESENTATION 4</u>: Ms Rosalie Jensen and Wayne Laza – Badu Move It Program

<u>3:00pm</u> – Cr Elisala, Cr Noah, Cr Fell, Cr Dorante and Ilario-COO leave meeting due to emergency situation with communication down and cultural reasons.

32. <u>3:18pm – 3:19pm</u> <u>OCEO – Local Fares Scheme workshop</u>

Postponed to January 2021 OM.

ACTION: Team to invite Tim to attend January 2021 OM to present an update on the Local Fares Scheme.

33. <u>3:19pm – 3:22pm</u> <u>Business Arising from Information Report</u>

No business arising.

34. <u>3:22pm – 3:22pm</u>

Next Meeting Date Scheduled

- January 2021
- Special Meeting 18 December 2020 VC

35. 3:22pm – 3:23pm

COUNCIL MOVE INTO CLOSED BUSINESS

RESOLUTION:

Moved: Cr Mosby: Second: Cr Pearson

That in accordance with section 254J of the *Local Government Regulation* 2012 (Qld) it is resolved for the meeting to go into closed session to discuss matters of the following nature:

b) industrial matters affecting employees;

MOTION CARRIED

Industrial Matter

36. 3:44pm – 3:44pm

COUNCIL MOVE OUT OF CLOSED BUSINESS

RESOLUTION:

Moved: Cr Pearson; Second: Cr Mosby That Council move out of closed business.

MOTION CARRIED

No resolution made. Verbal discussion only.

37. <u>3:44pm – 3:59pm</u>

Strategic Matter

Cr Pearson asked about the meeting speaker and recording system.

ACTION: Team to obtain quotes for a new system.

Cr Trinkoon raised his community shares a rubbish truck with St Pauls. ACEO responded.

Cr Tabuai mentioned a letter from Traditional Owners regarding PNG National coming over and being harboured by people in Council/social houses. Is there something under the Tenancy agreement to remove them from the dwelling.

Cr Nona through the Mayor requested the Chiller and freezer at the Badu Hall be repaired and air-conditioning be installed in the hall.

Cr Stephen through the Mayor requested a workshop be held for standing committee chairs around meeting procedures. Preferably after the Council meeting at Poruma.

Cr Tabuai through the Mayor requested the Saibai office be painted.

38. <u>3:59pm – 4:04pm</u>

Closing Remarks and Prayers

Mayor Mosby thanked staff and Councillors for their time and attendance at this meeting. Mayor advised a donation of \$5k will be presented to Cr Nona at the farewell dinner tonight and closed the meeting in prayer.

MEETING CLOSED - 4:04pm

Hollie Fathfull

Acting Chief Executive Officer Torres Strait Island Regional Council 20th January 2021 Phillemon Mosby

Mayor

Torres Strait Island Regional Council 20th January 2021