

# AGENDA

TORRES STRAIT ISLAND REGIONAL COUNCIL

March 2022

Tuesday 22<sup>nd</sup> March 2022, 10:30am – 5:00pm

Wednesday 23<sup>rd</sup> March 2022, 9:00am – 3:00pm

Video Conference

## **COUNCIL ORDINARY MEETING**

**Tuesday 22<sup>nd</sup> March 2022**

### **Agenda Items:**

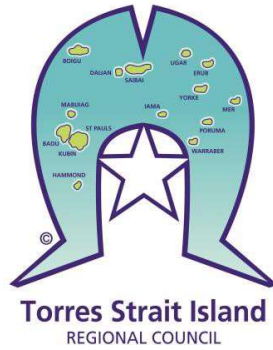
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|-----|------------------------|--|
| 1.  | <u>1:00pm – 1:05pm</u> | <u>Welcome and Opening Remarks</u>   |
| 2.  | <u>1:05pm – 1:10pm</u> | <u>Apologies</u>   |
| 3.  | <u>1:10pm – 1:15pm</u> | <u>Declaration of Conflict of Interest (COI) (Prescribed and Declarable)</u>   |
| 4.  | <u>1:15pm – 1:20pm</u> | <u>Confirmation of Previous Council Ordinary Meeting Minutes</u> <ul style="list-style-type: none"><li>• 15<sup>th</sup> and 16<sup>th</sup> February 2022</li></ul> |
| 5.  | <u>1:20pm – 1:25pm</u> | <u>Confirmation of Previous Council Special Meeting Minutes</u> <ul style="list-style-type: none"><li>• 4<sup>th</sup> February 2022</li></ul>                       |
| 6.  | <u>1:25pm – 1:30pm</u> | <u>Confirmation of Previous SARG Committee Minutes</u> <ul style="list-style-type: none"><li>• 1<sup>st</sup> March 2022</li></ul>                                   |
| 7.  | <u>1:35pm – 1:40pm</u> | <u>Confirmation of Previous Cultural, Arts, Land and Heritage Committee Meeting</u> <ul style="list-style-type: none"><li>• 25<sup>th</sup> February 2022</li></ul>  |
| 8.  | <u>1:40pm – 1:45pm</u> | <u>Confirmation of Previous Governance and Leadership Committee Meeting</u> <ul style="list-style-type: none"><li>• 10<sup>th</sup> November 2021</li></ul>          |
| 9.  | <u>1:45pm – 2:00pm</u> | <u>Outstanding Council Ordinary Meeting Action Items</u>   |
| 10. | <u>2:00pm – 2:45pm</u> | <u>Deputation 1: Ms Pat O'Shane – Candidate for Leichhardt</u>   |

### **AFTERNOON TEA 2:45pm – 3:05pm**

- |     |                        |  |
|-----|------------------------|--|
| 11. | <u>3:05pm – 3:15pm</u> | <u>Standing Agenda Items:</u> <ul style="list-style-type: none"><li>• Executive Director, Communities and Building Services - Housing Authority (verbal)</li></ul> |
| 12. | <u>3:15pm – 3:30pm</u> | <u>CORPORATE – Change of April OM meeting place</u>  |
| 13. | <u>3:30pm – 3:50pm</u> | <u>CORPORATE – Funding Acquisition Report</u>  |
| 14. | <u>3:50pm – 4:10pm</u> | <u>CORPORATE – Community Grant Program – March 2022 - <span style="color: red;">Late</span></u>  |
| 15. | <u>4:10pm – 4:30pm</u> | <u>ENGINEERING – Award Tender No. TSIRC 2021-358 – ICCIP Project #21 – Dauan Island Water Main, WTP &amp; Well Upgrade</u>   |
| 16. | <u>4:30pm – 4:50pm</u> | <u>ENGINEERING – Award Contract TSIRC2022-361, Coastal Hazard Adaptation Strategy</u>  |
| 17. | <u>4:50pm – 5:00pm</u> | <u>Closing Remarks and Prayer</u>  |

**COUNCIL ORDINARY MEETING**  
**Wednesday 23<sup>rd</sup> March 2022**  
**Agenda Items:**

- |   |                          |  |
|---|--------------------------|--|
| 18.   | <u>9:00am – 9:05am</u>   | <u>Welcome and opening prayer.</u>   |
| 19.   | <u>9:05am – 10:00am</u>  | <b><u>Deputation 2:</u></b> Ms Elida Faith – Candidate for Leichhardt  |
| <b><u>MORNING TEA 10:00am – 10:20am</u></b> |                          |  |
| 20.   | <u>10:20am – 10:20am</u> | <u>COUNCIL MOVES INTO CLOSED BUSINESS</u>  |
| 21.   | <u>10:20am – 11:00am</u> | <u>BUILDING – CB – Building Services Update (February)</u>   |
| 22.   | <u>11:00am – 11:30am</u> | <u>BUILDING – CB – Increase to CEO Financial and Contractual</u><br><u>Delegation - <span style="color: red;">Late</span></u>  |
| 23.   | <u>11:30am – 12:00pm</u> | <u>BUILDING – CB – Darnley and Badu Islands – 3 x Plug-Ins - <span style="color: red;">Late</span></u>   |
| 24.   | <u>12:00pm – 12:30pm</u> | <u>FINANCE – CB – Finance dashboard report February 2022</u>   |
| <b><u>LUNCH 12:30pm – 1:30pm</u></b>        |                          |  |
| 25.   | <u>1:30pm – 2:00pm</u>   | <u>LEGAL – CB – Proposed adaptation of Torres Strait Islander Flag</u>   |
| 26.   | <u>2:00pm – 2:00pm</u>   | <u>COUNCIL MOVES OUT OF CLOSED BUSINESS</u>  |
| 27.   | <u>2:00pm – 2:45pm</u>   | <b><u>Deputation 3:</u></b> Ms Cynthia Lui, Member for Cook  |
| <b><u>AFTERNOON TEA 2:45pm – 3:05pm</u></b> |                          |  |
| 28.   | <u>3:05pm – 3:20pm</u>   | <u>FINANCE – Audit Committee Membership Renewal</u>  |
| 29.   | <u>3:20pm – 3:35pm</u>   | <u>LEGAL – Local Thriving Communities – Joint Coordinating Committee –</u><br><u>TSIRC recommendation of a community representative member - <span style="color: red;">Late</span></u> |
| 30.   | <u>3:35pm – 3:50pm</u>   | <u>LEGAL – Cultural Heritage Act review</u>  |
| 31.   | <u>3:50pm – 4:10pm</u>   | <u>LEGAL – Joint Statement on Climate Change in the Torres Strait</u>  |
| 32.   | <u>4:10pm – 4:20pm</u>   | <u>Business Arising from Information Reports</u>   |
| 33.   | <u>4:20pm – 4:30pm</u>   | <u>Next Council Meeting Date – 20<sup>th</sup> and 21<sup>st</sup> April 2022 – VC</u>   |
| 34.   | <u>4:30pm – 4:50pm</u>   | <u>Strategic Matters</u>   |
| 35.   | <u>4:50pm – 5:00pm</u>   | <u>Closing Remarks and Prayer</u>  |



# Draft Minutes

TORRES STRAIT ISLAND REGIONAL COUNCIL

February 2022

Tuesday 15<sup>th</sup> February 2022, 10:30am – 2:58pm  
Wednesday 16<sup>th</sup> February 2022, 9:00am – 3:20pm

Video Conference



**COUNCIL ORDINARY MEETING**  
**Tuesday 15<sup>th</sup> February 2022**

**PRESENT**

Cr Phillemon Mosby, Mayor  
Cr Dimas Toby, Division 1 – Boigu  
Cr Torenzo Elisala, Division 2 – Dauan  
Cr Conwell Tabuai, Division 3 – Saibai  
Cr Keith Fell, Division 4 – Mabuiag  
Cr Laurie Nona, Division 5 – Badu  
Cr Lama Trinkoon, Division 6 – Kubin (Arkai), Mua Island  
Cr John Levi, Division 7 – Wug (St Pauls), Mua Island  
Cr Seriako Dorante, Division 8 – Kirriri (Hammond)  
Cr Getano Lui Jnr, Division 9 – Iama (Yam)  
Cr Kabay Tamu, Division 10 – Warraber (Sue)  
Cr Francis Pearson, Division 11 – Poruma (Coconut)  
Cr Hilda Mosby, Division 12 – Masig (Yorke)  
Cr Rocky Stephen, Division 13 – Ugar (Stephen)  
Cr Jimmy Gela, Division 14 – Erub (Darnley)  
Cr Aven Noah, Division 15 – Mer (Murray)

**STAFF:**

Ms Hollie Faithfull, Acting Chief Executive Officer (ACEO)  
Mr David Baldwin, Executive Director, Engineering Services (EDES)  
Mr Dawson Sailor, Acting Executive Director, Community and Building Services (AEDCBS)  
Ms Megan Barrett, Executive Director, Corporate Services (EDCS)  
Ms Nicola Daniels, Acting Executive Director, Financial Services (EDFS)  
Mr Peter Krebs, Manager Legal Services (MLS)  
Mrs Ursula Nai, Senior Executive Assistant to the Chief Executive Officer (SEA)  
Mr Jacob Matysek, Executive Assistant to the Mayor (EA)  
Ms May Mosby, Acting Secretariat Officer (ASO)

**APOLOGIES**

**COUNCIL ORDINARY MEETING**

**Tuesday 15<sup>th</sup> February 2022**

**Agenda Items:**

**1. 10:30am – 10:32am**

**Welcome and Opening Remarks**

Mayor Phillemon Mosby established a quorum to reconvene in Council Ordinary Meeting. Cr Laurie Nona advised the Council that he has dialled in to the meeting however he is not feeling well. He queried if he needed to table an apology in the meantime in the event he has to leave the meeting as he has a medical certificate. Advice was given by Manager Legal Services that we would accept the apology from Cr Nona at a later stage during the meeting if he was unavailable to attend due to medical reasons.

**2. 10:32am – 10:35am**

**Apologies**

No apologies

**3. 10:35am – 10:39am**

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

No declarations made. Mayor Mosby encouraged Councillors to make a declaration at any time.

**4. 10:39am – 10:45am**

**Confirmation of Previous Council Ordinary Meeting Minutes**

- 18<sup>th</sup> January 2022

**RESOLUTION:**

*Moved: Cr Aven Noah; Second: Cr Keith Fell*

**That Council resolves to accept the minutes of the Ordinary Meeting held on 18<sup>th</sup> January 2022, to be a true and accurate account of that meeting.**

**MOTION CARRIED UNANIMOUS**

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

**RESOLUTION:**

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

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

**MOTION CARRIED UNANIMOUS**

**5. 10:45am – 10:55am**

**Confirmation of Previous SARG Committee Minutes**

- 11<sup>th</sup> January 2022

**RESOLUTION:**

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

**That Council resolves to accept the minutes of the Strategic Advisory Reference Group (SARG) Meeting held on 11<sup>th</sup> January 2022, to be a true and accurate account of that meeting.**

**MOTION CARRIED UNANIMOUS**

- 1<sup>st</sup> February 2022

**RESOLUTION:**

*Moved: Cr Aven Noah; Second: Cr Lama Trinkoon*

**That Council resolves to accept the minutes of the Strategic Advisory Reference Group (SARG) Meeting held on 1<sup>st</sup> February 2022, to be a true and accurate account of that meeting.**

**MOTION CARRIED UNANIMOUS**

10:54am – Cr Seriako Dorante joined the meeting.

Cr Aven Noah expressed his apologies for not attending the last two SARG meetings and in future will endeavour to call upon his two committee members as proxy to attend on his behalf if he is unable to attend.

6. **10:55am – 11:02am** **Confirmation of Previous Economic Growth Committee Minutes**

- 27<sup>th</sup> January 2022

**RESOLUTION:**

*Moved: Cr Rocky Stephen; Second: Cr Conwell Tabuai*

**That Council resolves to accept the minutes of the Economic Growth Committee Meeting held on 27<sup>th</sup> January 2022, to be a true and accurate account of that meeting.**

**MOTION CARRIED UNANIMOUS**

7. **11:02am – 11:04am** **Confirmation of Previous Housing and Safe and Healthy Communities Committee Minutes**

- 3<sup>rd</sup> February 2022

**RESOLUTION:**

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

**That Council resolves to accept the minutes of the Housing and Safe and Healthy Communities Committee Meeting held on 3<sup>rd</sup> February 2022, to be a true and accurate account of that meeting.**

**MOTION CARRIED UNANIMOUS**

8. **11:04am – 11:15am** **Outstanding Council Ordinary Meeting Action Items**

Ms Hollie Faithfull, Acting Chief Executive Officer provided an update on the outstanding action items listed on the register from 18<sup>th</sup> and 19<sup>th</sup> January 2022.

ACTION: Secretariat to make the font bigger for the action items

9. **11:15am – 11:17am** **Standing Agenda Items:**

- Executive Director, Communities and Building Services - Housing Authority (verbal)

Mr Dawson Sailor, Acting Executive Director, Building and Community Services provided a verbal update on the above topic.

10. **11:17am – 11:36am** **BUILDING – Demolition of Housing**

Mr Dawson Sailor, Acting Executive Director, Building and Community Services spoke to this report.

Cr Aven Noah stated that the demolition has his support and he will monitor effect along with the Housing Officer on other properties so that they can let tenants know in advance.

Cr Aven Noah advised that he would like Cr John Levi, the Housing Officer on ground and himself to be part of any future consultations with tenants who occupy the properties to make them aware before demolition commences.

**ACTION: Acting Executive Director Building and Community Services to approach the Department of Community, Housing and Digital Economy on an audit of demolitions and possibility of a program across the Region. The aim of the audit is to inform deputations to relevant Ministers.**

**RESOLUTION:**

*Moved: Cr Aven Noah; Second: Cr John Levi*

**Council resolves to**

**Endorse the demolition of the properties and battering of the banks at:**

- Lot 50 Levi Street St Pauls (Wug)
- Lot 152 Marou Street Mer
- Lot 154 Marou Street Mer

**and**

**Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to secure a purchase order from the Department of Communities, Housing and Digital Economy for the demolition.**

**MOTION CARRIED UNANIMOUS**

11. **11:36am – 12:00pm** **BUILDING – Delegations – Late**

Mr Dawson Sailor, Acting Executive Director, Building and Community Services spoke to this report and an indepth discussion was held on this topic. Two options were proposed to Council and Council supported option 1.

Council will consider an increase of Tender Delegation after new CEO commences.

**ACTION:** acting Executive Director, Building and Community Services to prepare a paper to Council and list all tenders approved and submitted since July 2021 along with legal advice on treatment of the tender.

**RESOLUTION:**

*Moved: Cr Getano Lui; Second: Cr Aven Noah*

**Council resolves to:**

**Rescind the Resolution made on 29 June 2021, listed as item 14 in the ratified minutes from the June 2021 Ordinary Council meeting.**

**And**

**Option 1**

**Pursuant to Section 257 of the *Local Government Act 2009* (Qld), Council delegates to the Chief Executive Officer:**

- a. the power to approve and lodge quotes/tenders to QBuild on behalf of Torres Strait Island Regional Council for any and all works to be undertaken by Council's Building Services within Council's Local Government Area, provided the value of those works the subject of the quote/tender does not exceed \$300,000.00 excluding GST;
- b. the power pursuant to Section 236 of the *Local Government Act 2009* (Qld) to sign any quote/tender or contract on behalf of Torres Strait Island Regional Council with QBuild provided the value of those works the subject of the quote/tender or contract does not exceed \$300,000.00 excluding GST; and
- c. the power pursuant to Section 262 of the *Local Government Act 2009* (Qld) to enter into any quote/tender or contract on behalf of Torres Strait Island Regional Council with QBuild provided the value of those works the subject of the quote/tender or contract does not exceed \$300,000.00 excluding GST.

**Update Council's Procurement and Ethical Sourcing Policy to reflect this delegation.**

**MOTION CARRIED UNANIMOUS**

**LUNCH 12:00pm – 1:00pm**

12. **1:00pm – 1:53pm** **CORPORATE – Funding Acquisition Report**

Ms Megan Barrett, Executive Director Corporate Services spoke to this report and advised on Council's recent grant acquisition activities.

1:08pm - Cr Hilda Mosby joined the meeting

1:10pm - Cr Kabay Tamu joined the meeting

1:10pm - Cr Lama Trinkoon joined the meeting

1:10pm - Cr Torenzo Elisala joined the meeting  
1:10pm - Cr John Levi Joined the meeting  
1:10pm - Cr Laurie Nona Joined the meeting  
1:10pm - Cr Dimas Toby joined the meeting

**ACTION:** Executive Director, Corporate Services to include a summary of the Funding Acquisition Report in future editions of Strait Talk.

**RESOLUTION:**

*Move: Cr Aven Noah; Second: Cr Kabay Tamu*

**That Council resolves to note this report and its content.**

**MOTION CARRIED UNANIMOUS**

13. **1:53pm – 1:55pm** **CORPORATE – Community Grant Program – February 2022**

Ms Megan Barrett, Executive Director Corporate Services spoke to this report on the below Community Grants Applications.

- Restoration Revival Ministries for the eligible amount of \$1448.00 exclusive of GST as per the submitted application.
- Church of the Rock Ministry for the eligible amount of \$6991.40 exclusive of GST, as per submitted application.

**RESOLUTION:**

*Move: Cr Francis Pearson; Second: Cr Lama Trinkoon*

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

**Community Grant Applications received from Community Entities for the maximum threshold of \$10,000:**

- Restoration Revival Ministries for the eligible amount of \$1448.00 exclusive of GST, as per the submitted application.
- Church of the Rock Ministry for the eligible amount of \$6991.40 exclusive of GST, as per submitted application.

**Community Grant Applications received from Individual applicants for the maximum threshold of \$2,500:**

- Nil (0) applications received.

**MOTION CARRIED UNANIMOUS**

14. **1:55pm – 2:07pm** **CORPORATE – Change of March OM meeting place**

Ms Megan Barrett, Executive Director Corporate Services spoke to this report on the change of meeting location for March meeting. A face to face March meeting is scheduled to take place at Division 10, Warraber, however due to the COVID situation in communities, the meeting will be conducted via video conference.

**RESOLUTION:**

*Move: Cr Kabay Tamu; Second: Cr Jimmy Gela*

**Council resolves to relocate the March 2022 Ordinary Meeting of Council from a face-to-face meeting on Warraber to a meeting conducted via video conference.**

**MOTION CARRIED UNANIMOUS**

15. **2:07pm – 2:30pm** **ENGINEERING – Award Tender No. TSIRC 2021-354 Top Western Islands DRFA Works**

Mr David Baldwin, Executive Director, Engineering Services spoke to this report and invited Mr Peter Price, Acting Manager Capital Works to dial in and join the meeting to answer any technical questions relating to this report.

2:10pm – Mr Peter Price joined the meeting.

2:17 – Mr Dawson Sailor, Acting Executive Director Building and Community Services left the meeting.

2:25pm – Mr Dawson Sailor re-joined the meeting.

2:30pm – Mr Peter Price left the meeting.

**RESOLUTION:**

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

**That Council resolves to:**

- 1. Subject to funding approval for the market price update of Separable Portion A by QRA, award contract. TSIRC 2021-354 – Top Western Islands DRFA Works, Separable Portion A, to Koppens Development Pty Ltd for an amount of up to \$2,788,583.86 excl. GST**

**and**

- 2. Subject to funding approval for Separable Portion A, award contract TSIRC 2021-354 – Top Western Islands DRFA Works Separable Portion B, to Koppens Development Pty Ltd for an amount of up to \$868,342.21 excl. GST**

**and**

- 3. Subject to funding approval for Separable Portion A, award contract TSIRC 2021-354 – Top Western Islands DRFA Works, Separable Portion C, to Koppens Development Pty Ltd for an amount of up to \$383,391.10 excl. GST**

**and**

- 4. Delegate power to the Chief Executive Officer, in accordance with the *Local Government Act 2009*:**

- **Confirm and finalise any required approvals and or arrangements with the relevant funding bodies to make, amend and discharge contract TSIRC 2021-354: and**
- **Power to negotiate, finalise, and execute any and all matters associated with or in relation to this project and contracts including without limitation any options and/or variations as per Council's procurement and ethical sourcing policy.**

**MOTION CARRIED UNANIMOUS**

**16. 2:30pm – 2:41pm**

**LEGAL – Development application: subdivision of Masig Lot 15 SP277431 – proposed Lots 215 & 216 on SP331535**

Cr Hilda Mosby declared a Declarable Conflict of Interest in Council Meeting Agenda Item 16 – LEGAL – Development application: subdivision of Masig Lot 15 SP277431 – proposed Lots 215 & 216 on SP331535 as Elia, Emmanuel and Edna Billy are her mother's cousins and therefore are related parties under s150EP. Elia, Emmanuel and Edna Billy are the applicants in this matter and Cr Hilda Mosby declared an interest under s150EQ(4).

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

Cr Hilda Mosby declared a Declarable Conflict of Interest in Council Meeting Agenda Item 17 – LEGAL – Development application: subdivision of Masig Lot 30 SP277431 Mrs Flora Mosby is married to the late Michael Massie Mosby who is her Nephew and therefore are related parties under s150EP. Mrs Flora Mosby and the late Michael Massie Mosby are applicants in this matter and Cr Hilda Mosby declared an interest under s150EQ(4).

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

2:31pm - Cr. Hilda Mosby left the meeting due to her Declarable Conflict of Interest.

Mr Peter Krebs, Manager Legal Services spoke to this report.

**RESOLUTION:**

*Move: Cr Keith Fell; Second: Cr Laurie Nona*

**Council resolves to:**

**issue a Development Permit for Development Application DA09-21-12(1) 'Reconfiguration of a Lot' (1 Lot into 2 Lots) - Proposed Lot A (proposed lot 215) and Lot B (proposed lot 216) on SP331535, cancelling Lot 15 on SP277431, with the inclusion of the conditions set out in Part 5 of the Agenda Report for Masig (Yorke Island) and**

**Recommend to the Trustee that it consent to the registration of a sewerage easement in favour of Council to connect proposed Lot 216 to Council's sewer line on proposed Lot 215**

**and**

**Delegate authority to the Mayor and Chief Executive Officer each in accordance with the Local Government Act 2009 to sign and endorse survey plan SP331535 for registration, contemporaneously with the creation of the required sewerage easement.**

**MOTION CARRIED UNANIMOUS**

17. **2:41pm – 2:50pm**

**LEGAL – Development application: subdivision of Masig Lot 30 SP277431**

Mayor Phillemon Mosby declared a Declarable Conflict of Interest in Council Meeting Agenda Item 17 – LEGAL – Development application: subdivision of Masig Lot 30 SP277431 the late Michael Massie Mosby is Mayor Phillemon Mosby's Uncle and therefore a related party under s150EP. The late Michael Massie Mosby is the applicant in this matter and Mayor Phillemon Mosby declared an interest under s150EQ(4).

Mayor Phillemon Mosby proposed to leave and stay away from the place where the meeting is being held while this matter is discussed and voted on.

Mayor Phillemon Mosby asked Deputy Mayor, Cr Getano Lui to chair the meeting.

2:43pm – Mayor Mosby left the meeting due to his Declared Conflict of Interest.

Mr Peter Krebs, Manager Legal Services spoke to this report.

**RESOLUTION:**

*Move: Cr Aven Noah; Second: Cr Lama Trinkoon*

**Council resolves to**

**issue a Development Permit for Development Application DA09-21-12(2) 'Reconfiguration of a Lot' (1 Lot into 3 Lots) for proposed Lots 224, 225 & 226 on SP331538, cancelling Lot 30 on SP277431, with the inclusion of the conditions set out in Part 5 of the Agenda Report for Masig (Yorke Island) and**

**Delegate authority to the Mayor and Chief Executive Officer each in accordance with the Local Government Act 2009 to sign and endorse survey plan SP331535 for registration.**

**MOTION CARRIED UNANIMOUS**

2:51pm – Cr Hilda Mosby re-joined the meeting.

2:51pm – Mayor Phillemon Mosby re-joined the meeting.

18. **2:52pm – 2:54pm**

**LEGAL – Privacy Policy update**

Ms Megan Barrett, Executive Director Corporate Services spoke to this report of changes to our existing policy to meet legislative requirements.

**RESOLUTION:**

*Move: Cr Francis Pearson; Second: Cr Rocky Stephen*

**That Council resolve to endorse the updated Privacy Policy, as presented.**

**MOTION CARRIED UNANIMOUS**

19. **2:55pm – 2:58pm** **Closing Remarks and Prayer**

Before closing, Mayor Mosby acknowledged and thanked Councillors, the Acting Chief Executive Officer and the Executive Team for their participation, leadership and engagement in the today's meetings and invited Cr Keith Fell to close the meeting in a word of prayer.

**MEETING ADJOURNED - 2:58pm**



**COUNCIL ORDINARY MEETING**  
**Wednesday 16<sup>th</sup> February 2022**

**PRESENT**

Cr Phillemon Mosby, Mayor  
Cr Dimas Toby, Division 1 – Boigu  
Cr Torenzo Elisala, Division 2 – Dauan  
Cr Conwell Tabuai, Division 3 – Saibai  
Cr Keith Fell, Division 4 – Mabuiag  
Cr Lama Trinkoon, Division 6 – Kubin (Arkai), Mua Island  
Cr John Levi, Division 7 – Wug (St Pauls), Mua Island  
Cr Seriako Dorante, Division 8 – Kirriri (Hammond)  
Cr Getano Lui Jnr, Division 9 – Iama (Yam)  
Cr Kabay Tamu, Division 10 – Warraber (Sue)  
Cr Francis Pearson, Division 11 – Poruma (Coconut)  
Cr Hilda Mosby, Division 12 – Masig (Yorke)  
Cr Rocky Stephen, Division 13 – Ugar (Stephen)  
Cr Jimmy Gela, Division 14 – Erub (Darnley)  
Cr Aven Noah, Division 15 – Mer (Murray)

**STAFF:**

Ms Hollie Faithfull, Acting Chief Executive Officer (ACEO)  
Mr David Baldwin, Executive Director, Engineering Services  
Ms Megan Barrett, Executive Director, Corporate Services (EDCS)  
Mr Dawson Sailor, Acting Executive Director, Community and Building Services (AEDCBS)  
Ms Nicola Daniels, Acting Executive Director, Financial Services (EDFS)  
Mr Peter Krebs, Manager Legal Services (MLS)  
Mrs Ursula Nai, Senior Executive Assistant to the CEO (SEA)  
Mr Jacob Matysek, Executive Assistant to the Mayor (EA)  
Ms May Mosby, Acting Secretariat Officer (ASO)

**APOLOGIES**

Cr Laurie Nona, Division 5 – Badu Island

20. **9:00am – 9:06am** **Welcome and opening prayer**

The meeting resumed at 9.00am.

Mayor Phillemon Mosby completed a roll call of Councillors, established a quorum and acknowledged and paid respects to:

- Our Heavenly Father for his awesome wisdom, knowledge and understanding upon our lives;
- Traditional Owners on the land we are all dialling in from across Zenadth Kes and Cairns region;

Mayor Mosby invited Cr John Levi to open the meeting in a word of prayer at 9:06am.

21. **9:06am – 9:06am** **COUNCIL MOVES INTO CLOSED BUSINESS**

**RESOLUTION:**

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

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

(c) local government budget.

(e) legal advice obtained by the local government or legal proceedings involving the local government.

(g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

**MOTION CARRIED UNANIMOUS**

- 22. **BUILDING – CB – BSU Update – Late**
- 23. **BUILDING – CB – Contractual Matter – Lot 141(58) Lowatta Street Yorke**
- 24. **CORPORATE – CB – COVID Response**
- 25. **ENGINEERING – CB – Waste Metal Project – Contractual Matter – Late**
- 26. **FINANCE – Financial Dashboard Report – January 2022**
- 27. **LEGAL – CB – Complaint OIA ref C/21/00634: alleged council inappropriate conduct**

**MORNING TEA 10:08am – 10:22am**

**LUNCH 12:45pm – 1:45pm**

28. **2:30pm – 2:30pm** **COUNCIL MOVES OUT OF CLOSED BUSINESS AND RESUMES IN OPEN BUSINESS**

**RESOLUTION:**

*Moved: Cr Aven Noah; Second: Cr Hilda Mosby*

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

**MOTION CARRIED UNANIMOUS**

2:30pm – All staff re-joined the meeting

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

**2:30pm – 2:31pm** **BUILDING – CB – BSU Update - Late**

Mayor Mosby requested the following be noted for minute taking purposes

9:41am – Cr Hilda Mosby joined the meeting.

Cr Hilda Mosby declared a Declarable Conflict of Interest in Council Meeting Agenda Item 23 – BUILDING – CB – Contractual Matter – Lot 141(58) Lowatta Street, Yorke as the dwelling is of late Mrs Dorothy Lowatta who is Cr Hilda Mosby's Aunt and therefore a related party under s150EP. The late Mrs Dorothy Lowatta is the applicant in this matter and Cr Hilda Mosby declared an interest under s150EQ(4).

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

Mayor Phillemon Mosby declared a Declarable Conflict of Interest in Council Meeting Agenda Item 23 – BUILDING – CB – Contractual Matter – Lot 141(58) Lowatta Street, Yorke as the dwelling is of late Mrs Dorothy Lowatta and is a close relative and therefore a related party under s150EP. The late Mrs Dorothy Lowatta is the applicant in this matter and Mayor Phillemon Mosby declared an interest under s150EQ(4).

Mayor Phillemon Mosby proposed to leave and stay away from the place where the meeting is being held while this matter is discussed and voted on.

Mayor Mosby asked Deputy Mayor, Cr Getano Lui to chair the meeting

10:28am – Cr Hilda Mosby left the meeting due to her Declareable Conflict of Interest.

10:28am – Mayor Mosby left the meeting due to his Declarable Conflict of Interest.

10:30am – Cr Dimas Toby joined the meeting

10:34am – Cr Hilda Mosby re-joined the meeting

10:34am – Mayor Mosby re-joined the meeting

**RESOLUTION:**

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

**That Council resolves to note the information on this report.**

**MOTION CARRIED UNANIMOUS**

**2:31pm – 2:32pm**

**BUILDING – CB – Contractual Matter – Lot 141(58)  
Lowatta Street, Yorke**

**RESOLUTION:**

*Moved: Cr Aven Noah; Second: Jimmy Gela*

Council resolves to

**1. Submit a tender to the Queensland State Government through the Department of Communities, Housing and Digital Economy to carry out various upgrade works at Lot 141 (58) Lowatta Street, Yorke Island (QBFNQ0587UP1) with a tender price of \$315,103.13 excl of GST**

**and**

**2. delegate authority to the Chief Executive Officer to submit the tender, enter into contracts, negotiate, finalise and execute any and all matters in relation to this tender.**

**MOTION CARRIED UNANIMOUS**

**2:32pm – 2:33pm**

**CORPORATE – CB – COVID Response**

**RESOLUTION:**

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

**That Council resolves to note the information contained within this report.**

**MOTION CARRIED UNANIMOUS**

**2:33pm – 2:35pm**

**ENGINEERING – CB – Waste Metal Project – Contractual Matter – Late**

Mayor Mosby requested the following be noted for minute taking purposes

Cr Seriako Dorante declared a Prescribed Conflict of Interest in Council Meeting Agenda Item 25 – ENGINEERING – CB – Waste Metal Project – Contractual Matter - Late. This prescribed conflict of interest arises as he is an employee of Seaswift and therefore a close associate under s150EJ. Cr Seriako Dorante declared an interest under s150EL Cr Seriako Dorante proposed to leave and stay away from the place where the meeting is being held while this matter is discussed and voted on.

11:15am Cr Dorante left the meeting due to his Prescribed Conflict of Interest

**RESOLUTION:**

*Moved: Cr Keith Fell; Second: Cr Aven Noah*

**Council resolves to:**

- 1. Delegate power to the Chief Executive Officer, pursuant to section 257 of the Local Government Act 2009 to negotiate and approve variations to the Contract No. TSIRC2020-339 Metal Waste Legacy Stockpile Clean-Up Project by the waiver of a portion of Council Maritime fees up to an equivalent value of \$1,268,000.00 excl. GST.**
- and**
- 2. whereby Council will not be liable for funding of the GST portion of any waived Maritime fees that form part of services delivered under the Contract.**

**MOTION CARRIED**

**AGAINST – Cr Kabay Tamu; Cr Francis Pearson and Mayor Phillemon Mosby**

11:59am – Cr Seriako Dorante re-joined the meeting.

**2:35pm – 2:36pm**

**FINANCE – Financial Dashboard Report – January 2022**

**RESOLUTION:**

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

That Council receive and endorse the monthly financial statements attached to the officer's report for the 2021-22 year to date, for the period ended 31 January 2022, as required under Section 204 Local Government Regulation 2012.

**MOTION CARRIED UNANIMOUS**

**2:36pm – 2:37pm**

**LEGAL – CB – Complaint OIA ref C/21/00634: alleged councillor inappropriate conduct**

Mayor Mosby requested the following be noted for minute taking purposes

Cr Getano Lui declared a Declarable Conflict of Interest in Council Meeting Agenda Item 27– Legal – CB – Complaint OIA ref C/21/00634: alleged councillor inappropriate conduct as Cr Aven Noah is a close relative of Cr Aven Noah and therefore a related party under s150EP. Cr Aven Noah is the subject of this complaint and Cr Getano Lui declared an interest under s150EQ(4).

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

Cr Aven Noah declared a Declarable Conflict of Interest in Council Meeting Agenda Item 27– Legal – CB – Complaint OIA ref C/21/00634: alleged councillor inappropriate conduct as he is the subject of this complaint and declared an interest under s150EQ(4).

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

12:15pm – Cr Getano Lui and Cr Aven Noah left the meeting due to their Declarable Conflict of Interest.

12:16pm – All Staff were requested to leave the meeting.

12:30pm – Cr Aven Noah was requested to rejoin the meeting.

**RESOLUTION:**

*Move: Cr Seriako Dorante; Second: Cr Jimmy Gela*

**Council resolves to**

**note Cr Aven Noah's admission that he engaged in inappropriate conduct by making inappropriate gestures in front of community members on two occasions**

**and**

**reprimand Cr Noah for his inappropriate conduct**

**and**

**order Cr Noah to review and refresh his knowledge of the Code of Conduct for Councillors in Queensland.**

**MOTION CARRIED UNANIMOUS**

12:45pm – Cr Getano Lui rejoined the meeting.

29. **2:37pm – 2:40pm**

**CORPORATE – Community Grants Program Allocation – February 2022**

Ms Megan Barrett, Executive Director Corporate Services spoke to this report.

As further late information became available during the meeting in relation to Agenda Item 13 and the application by the Church of the Rock, with the leave of the meeting, Council resolved to revisit the earlier decision.'

**RESOLUTION:**

*Move: Cr Lama Trinkoon; Second: Cr Rocky Stephen*

**1. That Council resolves to repeal the motion at its 15 February 2022 meeting, which approved grants to the Restoration Revived Ministries for \$1448.00 and the Church of the Rock Ministry for \$6991.40 under the Community Grants Program.**

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

**Community Grant Applications received from Community Entities for the maximum threshold of \$10,000:**

- **Restoration Revival Ministries for the eligible amount of \$1448.00 exclusive of GST, as per the submitted application.**
- **Church of the Rock Ministry for the eligible amount of \$1500.00 exclusive of GST, as per submitted application.**

**Community Grant Applications received from Individual applicants for the maximum threshold of \$2,500:**

- **Nil (0) applications received.**

**MOTION CARRIED UNANIMOUS**

30. **2:40pm – 2:50pm**

**Business Arising from Information Reports**

Deputy Mayor, Cr Getano Lui raised concerns with the Engineering Information Report for lama that reflects differently to what is happening on ground. He also raised some other concerns.

**ACTION: Executive Director, Engineering Services have an offline conversation with Cr Getano Lui with regards to his concerns with the accuracy of the Engineering Information Reports in relation to lama.**

Mayor Mosby conveyed his appreciation on behalf of the elected arm to Ms Hollie Faithfull, Acting Chief Executive Officer, the Executive Team and staff for preparing and producing the reports.

31. **2:50pm – 2:50pm** **Next Council Meeting Date – 22<sup>nd</sup> and 23<sup>rd</sup> March 2022 – Warraber**

Mayor Mosby noted that an agenda report has already been endorsed changing the location of the March meeting from Warraber to Video Conference.

32. **2:50pm – 3:10pm** **Strategic Matters**

**Visitor's online entry permits:**

Cr Rocky Stephen enquired as to where we are at with the online permits and QR checkin app, whether people are still checking in with the app.

Ms Megan Barrett, Executive Director, Corporate Services provided an update on the travel entry permits and advised that the review of the travel process is almost completed. The Manager Visitor Operations, Ms Rottannah Passi, has been working very closely with Mr Dawson Sailor, acting Executive Director, Building and Community Services to ensure the travel process complies with Queensland Health requirements.

Deputy Mayor, Cr Getano Lui raised whether there could be some information sessions in communities from health officials to provide an insight on where we are at present with COVID including information on Have we reached the peak; when will the peak end? etc.

**ACTION:** That Acting Chief Executive Officer to speak with Torres and Cape Health Services to request information session are provided to communities on COVID related issues.

**Timeframe of Councillor's allowance:**

Cr Keith Fell raised concerns around the timeframe and consistency of councillors being paid their wages on time and asked for a set time of 3:00pm for councillors to receive their wages in their bank accounts to alleviate any further concerns.

Action: all payments at 3pm

**Apology – Cr Laurie Nona**

- Cr Laurie Nona, Division 5 – Badu

**RESOLUTION:**

*Moved: Cr Aven Noah; Second: Cr Francis Pearson*

**That Council accept the apology of Cr Laurie Nona for Day 2 of the February 2022 Ordinary Meeting.**

**MOTION CARRIED UNANIMOUS**

- 3:10pm – 3:16pm** **Mabuiag Funeral Trust Fund – Late (Verbal)**

Nicola Daniels, Acting Executive Director, Financial Services spoke to this topic and an in-depth conversation was held regarding the allocation of the Mabuiag Funeral Trust Fund.

**ACTION:** The Manager of Legal Services to provide a report to Council about the allocation of Trust Funds and whether delegation for future allocations of any of the Trust Funds should be given to the Chief Executive Officer and Mayor.

**RESOLUTION:**

*Moved: Cr John Levi; Second: Cr Conwell Tabuai*

**That Council resolve to:**

1. **Allocate \$6,037.22 from the Mabuiag funeral fund be paid out for the funeral expenses request dated 11 February 2022.**

**MOTION CARRIED UNANIMOUS**

33. **3:16 – 3:18pm**

**Closing Remarks and Prayer**

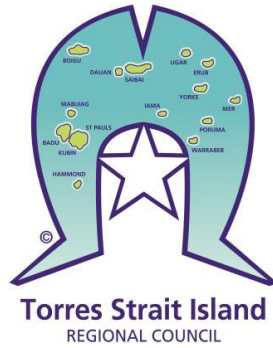
Mayor Mosby thanked Councillors and Administration Staff for their participation and engagement over the last two days of meeting and ensuring our future meetings are more productive and professional.

Mayor Mosby invited Cr Francis Pearson to close the meeting in a word of prayer.

**MEETING CLOSED AT 3:20PM**

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

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



# Draft Minutes

TORRES STRAIT ISLAND REGIONAL COUNCIL

SPECIAL MEETING

February 2022

Friday, 4<sup>th</sup> February 2022, 10:00am – 12:00pm

Video Conference



**COUNCIL SPECIAL MEETING**  
**Friday, 4<sup>th</sup> February 2022**

**PRESENT**

Cr Phillemon Mosby, Mayor  
Cr Keith Fell, Division 4 – Mabuiag  
Cr Lama Trinkoon, Division 6 – Kubin (Arkai), Mua Island  
Cr John Levi, Division 7 – Wug (St Pauls), Mua Island  
Cr Getano Lui Jnr, Division 9 – Iama (Yam)  
Cr Kabay Tamu, Division 10 – Warraber (Sue)  
Cr Francis Pearson, Division 11 – Poruma (Coconut)  
Cr Hilda Mosby, Division 12 – Masig (Yorke)  
Cr Rocky Stephen, Division 13 – Ugar (Stephen)  
Cr Jimmy Gela, Division 14 – Erub (Darnley)  
Cr Aven Noah, Division 15 – Mer (Murray)

**STAFF:**

Ms Hollie Faithfull, Acting Chief Executive Officer (ACEO)  
Mr Dawson Sailor, Acting Executive Director, Building and Community Services (AEDBCS)  
Ms Nicola Daniels, Acting Executive Director, Financial Services (EDFS)  
Mr Peter Krebs, Manager Legal Services (MLS)  
Mr Adeah Kabai, Manager Capital Works (MCW)  
Mr Jacob Matysek, Executive Assistant to the Mayor (EA)  
Ms May Mosby, Secretariat Officer (ASO)

**APOLOGIES**

Cr Seriako Dorante, Division 8 – Kirriri (Hammond)  
Cr Conwell Tabuai, Division 3 – Saibai  
Ms Megan Barrett – Executive Director, Corporate Services  
Mr David Baldwin – Executive Director, Engineering Services  
Mrs Ursula Nai – Senior Executive Assistant to the Chief Executive Officer

## **COUNCIL ORDINARY MEETING**

**Friday 4<sup>th</sup> February 2022**

### **Agenda Items:**

1. **10:00am – 10:13am** **Welcome and Opening Remarks**

Mayor Mosby welcomed everyone to the meeting and acknowledged:

- Our Heavenly Father;
- Our families, communities, region and organisation;
- Leadership and management of our Operational Arm;
- Traditional Owners across the length and breadth of Zenadth Kes including Cairns and Thursday Island;
- Our thoughts and prayers to all families in sorry business;

Mayor Mosby invited Cr John Levi to open the meeting in a word of prayer at 10:13am.

A minute silence was observed in respect of families mourning the loss of loved ones.

10:15am – Cr Hilda Mosby joined the meeting.

Cr Kabay Tamu asked for clarification around non-attendance at Council Meetings which was provided.

2. **10:15am – 10:20am** **Apologies**

**RESOLUTION:**

*Moved: Cr Lama Trinkoon; Second: Cr Francis Pearson*

That Council accepts the apology of Cr Conwell Tabuai for February 2022 Special Meeting.

**MOTION CARRIED UNANIMOUS**

**RESOLUTION:**

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

That Council accepts the apology of Cr Seriako Dorante for February 2022 Special Meeting.

**MOTION CARRIED UNANIMOUS**

3. **10:20am – 10:25am** **Declaration of Conflict of Interest (COI) (Prescribed and (Declarable)**

No declarations were made by Councillors. Mayor Mosby encouraged Councillors to make a declaration at any time during the meeting.

4. **10:25am – 10:25am** **COUNCIL MOVE INTO CLOSED BUSINESS**

**RESOLUTION:**

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

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

- (a) the appointment, discipline or dismissal of the chief executive officer.
- (c) local government budget.
- (e) legal advice obtained by the local government or legal proceeding involving the local government.
- (g) negotiations relating to a commercial matter involving the local

government for which a public discussion would be likely to prejudice the interests of the local government.

**MOTION CARRIED UNANIMOUS**

- CB – EDES – Waste Metal Project – Contractual Matter – Verbal
- CB – Mayor – CEO Update – Verbal

5. **11:56am – 11:56am**      **COUNCIL MOVES OUT OF CLOSED BUSINESS AND RESUMES IN OPEN BUSINESS**

**RESOLUTION:**

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

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

**MOTION CARRIED UNANIMOUS**

Mayor Mosby requested the following staff movements be noted for minute taking purposes:

11:20am – Cr Keith Fell left the meeting.

11:22am – Mayor Mosby requested all staff leave the meeting.

11:56am – All staff re-joined the meeting.

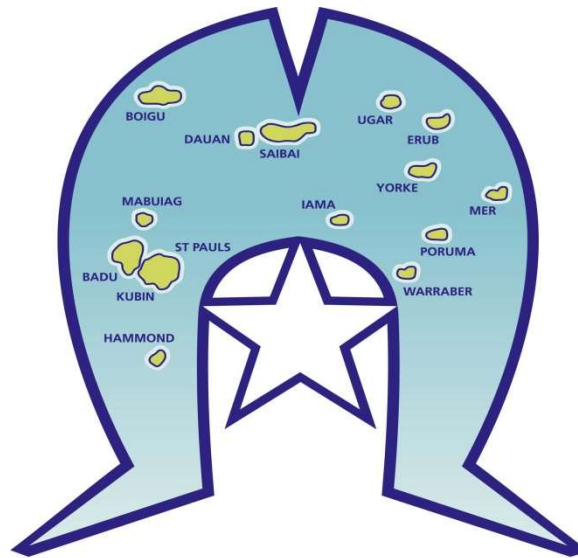
6. **11:56am – 12:05pm**      **Closing Remarks and Prayer**

Mayor Mosby acknowledged and thanked Councillors and Staff for their time and contributions at the special meeting and invited Cr John Levi to close the meeting in a word of prayer.

**MEETING CLOSED AT 12:05PM**

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

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



**Torres Strait Island**  
REGIONAL COUNCIL

# Draft Minutes

## STRATEGIC ADVISORY REFERENCE GROUP

Date: Tuesday 1<sup>st</sup> March 2022

Time: 1:00pm to 4:00pm

Venue: Video Conference

**PRESENT:**

Cr Phillemon Mosby, Mayor – Poruma (Coconut)  
Cr Getano Lui, Deputy Mayor, Division 9 – Iama (Yam)  
Cr Keith Fell, Division 4 - Mabuiag  
Cr Hilda Mosby, Division 12 – Masig (Yorke)  
Cr Rocky Stephen, Division 13 – Ugar (Stephen)  
Cr Aven Noah, Division 15 – Mer (Murray)

**STAFF:**

Ms Hollie Faithfull, Acting Chief Executive Officer  
Mr David Baldwin, Executive Director, Engineering Services  
Mr Dawson Sailor, Acting Executive Director Building and Community Services  
Ms Nicola Daniels, Acting Executive Director Financial Services  
Mr Peter Krebs, Manager Legal Services  
Mrs Ursula Nai, Senior Executive Assistant to the CEO  
Mr Jacob Matysek – Executive Assistant to the Mayor  
Ms May Mosby – Secretariat Officer

**APOLOGY:**

Ms Megan Barrett, Executive Director Corporate Services

**1. Welcome (Chair)**

Mayor Phillemon Mosby completed a roll call of committee members and staff and welcomed everyone to the meeting and acknowledged the following:

- Our Heavenly father for his awesome knowledge, wisdom and understanding upon our lives
- Traditional owners across the length and breadth of Zenadth Kes including, Cairns office
- Families in sorry business on ples and on the mainland

**2. Opening Prayer**

Mayor Mosby invited Cr Keith Fell to open the meeting in a word of prayer at 1:11pm

**3. Apologies**

Ms Megan Barrett, Executive Director Corporate Services

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

No declarations made. Mayor Mosby encouraged Councillors to make a declaration at any time.

**5. Noting of Ratified Minutes - SARG Meeting**

- 1<sup>st</sup> February 2022 – VC – ratified at February 2022 OM

**RESOLUTION:**

*Moved: Cr Aven Noah; Second: Cr Hilda Mosby*

**That the Minutes for the SARG meeting held on 1<sup>st</sup> February 2022 be adopted as a true and correct account of the meeting.**

**MOTION CARRIED UNANIMOUS**

**6. Strategic Action Items Review**

Ms Hollie Faithfull, Acting Chief Executive Officer provided an update of the three action items.

## **7. Mayor**

### **1. SARG and Executive Directors Leadership Program 2022 – Verbal**

Mayor Mosby provided the committee with a verbal update of the above SARG and Executive Directors Leadership retreat. Proposed dates were the 28<sup>th</sup> – 3<sup>rd</sup> April 2022, however due to two (2) SARG members not able to attend, this topic will be taken offline to look at an alternate date.

**ACTION: Acting Chief Executive Officer to take the dates for the SARG and Executive Directors Leadership Program offline to look at an alternate date.**

### **2. Meeting Protocols for SARG Members – Verbal**

Mayor Mosby spoke on this topic of meeting protocols with SARG members. As part of capacity building how we conduct our standing committee meetings; how frequent we can make certain meetings; how we improve those standing committees and meeting procedures.

Further discussions took place and the committee agreed that those agenda topics that involves a particular standing committee should be discussed at those standing committee meetings before presenting to SARG and on to full Council.

### **3. 2022 Theme/Focus – Verbal**

Mayor Mosby spoke to this topic as it was part of discussions in closed business, out of closed business and in camera session by Deputy Mayor, Cr Getano Lui on having a specific theme which could resonate and bring the team together leading up to the leadership retreat. A theme that signifies the Torres Strait region.

### **4. Youth, Women, Employment and Training Standing Committee**

Mayor Mosby spoke to this topic and advised that this matter has been raised by a number of Councillors and members of SARG committee around establishing an additional standing committee on Youth, Women, Employment and Training. Upon advice it was recommended that this matter be put to SARG whether it be deemed appropriate and valid for this specific standing committee.

Cr Keith Fell suggested that any matters relating to the above subject be delegated to the present standing committees rather than establishing another committee, that is, Youth and Women would go under Cr Keith Fell at Housing Safe and Healthy Communities and Employment and Training would go under Cr Rocky Stephen at Economic Growth.

**ACTION: Acting Chief Executive Officer to amend the Terms of Reference of the Housing, Safe and Healthy Communities to include add Youth, Women and Employment and amend the Terms of Reference of the Economic Growth Committee to include Employment and Training and provide a report to the SARG meeting for recommendation to the April Ordinary Meeting.**

**8. A/Chief Executive Officer**

**CEO Induction - Verbal**

Ms Hollie Faithfull, Acting Chief Executive Officer provided the committee with a verbal update regarding the onboarding of the new CEO, Mr James William who will commence with TSIRC on Monday, 7<sup>th</sup> March 2022 in the Cairns TSIRC Office. Ms Hollie Faithfull has been working with the Mayor and Danielle Turner from Preston Lawyers HR in relation to what TSIRC will be providing Mr James William during his first week at TSIRC.

Mayor Mosby will also do an introduction on Monday 7<sup>th</sup> March 2022 of Mr James William to the Councillors via VC mid-morning and a similar session will be held after lunch via VC with all Council staff so that Mr James William can meet the staff.

Cr Keith Fell asked if SARG members could have the induction scheduled.

**ACTION: Acting Chief Executive Officer to furnish the SARG members with the schedule for the CEO Induction.**

**9. Executive Director Corporate Services**

**1. Digital Connectivity Update**

Ms Hollie Faithfull, Acting Chief Executive Officer spoke to this topic on behalf of Ms Megan Barrett, Executive Director, Corporate Services. Ms Megan Barrett and her team has been working with Minister Enoch's Office in consultation with Telstra to try and come up with a solution. In addition, Council is also preparing to lodge a funding application with the Local Government Grant and Subsidy Program 2022-2024 to be able to fund those upgrades. Ms Megan Barrett will provide another update at the April SARG meeting and also to Economic Growth Committee as requested.

**2. RAP Status Update – Verbal**

Ms Hollie Faithfull, Acting Chief Executive Officer spoke to this topic on behalf of Ms Megan Barrett, Executive Director, Corporate Services. Ms Megan Barrett presented a paper to the last SARG meeting and advised the next step is to call for nominations from Executives and staff to be part of the committee for RAP. Once a committee is formed then the next process will commence in relation to the RAP. A final RAP document will be presented to council for adoption at the July Ordinary meeting.

Deputy Mayor Cr Getano Lui enquired as to a timeframe or whether it will be an ongoing matter. Ms Hollie Faithfull, Acting Executive Officer advised that there is an end date that Ms Megan Barrett is proposing to bring the final RAP document to Council for adoption at the July Ordinary meeting however SARG will be updated along the way.



### 3. TAP Update – Verbal

Ms Hollie Faithfull, Acting Chief Executive Officer spoke to this topic on behalf of Ms Megan Barrett, Executive Director, Corporate Services and advised the committee that she will take this matter on notice and have Ms Megan Barrett, prepare a report for the next SARG meeting or for the next Council meeting at the Mayor's request.

**ACTION: Executive Director, Corporate Services table this Agenda topic at the next SARG meeting for the new CEO to have some input into the document.**

### 4. 2022 Deputation | Outcomes and next steps – Verbal

Ms Hollie Faithfull, Acting Chief Executive Officer spoke to this topic on behalf of Ms Megan Barrett, Executive Director, Corporate Services. In late November, early December 2021, the Mayor, Deputy Mayor, Mr David Baldwin and Ms Hollie Faithfull travelled to Brisbane and deputised with a number of State Ministers. Acting Chief Executive Officer, Ms Hollie Faithfull advised she has now received responses from Minister Crawford, Minister Bailey and Minister Fentiman. Minister Bailey has advised he will be requesting information from TSIRC during the month of March in preparation of their budget cycle.

Acting CEO Ms Hollie Faithfull will discuss this with incoming CEO Mr James William and Ms Megan Barrett who is overseeing this process. The next month will be crucial in regard to the deputation process. Letters have also been sent under the Mayor's hand to both the current member for Leichhardt and the running candidate member for Leichhardt. The request is to have a meeting with Mr James William and Mayor Mosby to discuss TSIRC deputation priorities in preparation for the Federal elections.

### 5. Regional Governance and LG name and Boundary change - Verbal

Ms Hollie Faithfull, Acting Chief Executive Officer provided a verbal update on this topic on behalf of Ms Megan Barrett, Executive Director, Corporate Services. A report on Regional Governance and Local Government and boundary change was presented at the previous Governance and Leadership meeting and in-depth discussions were held. Cr Getano Lui advised that the three titles should be dealt with individually rather than together.

Acting Chief Executive Officer advised that this matter will be included in the handover with the new Chief Executive Officer.

**ACTION: Executive Director, Corporate Services to split Regional Governance, Local Government Name Change and Boundary Change to three separate topics.**

## 10. A/Executive Director, Building & Community Services

### 1. Queensland Health TORCH – Verbal

Mr Dawson Sailor, Acting Executive Director, Building and Community Services spoke to this agenda topic which is an acronym for Torres and Cape Health Care.

This Project is to look at addressing better health outcomes in the Torres and Cape region. Acting Executive Director Building and Community Services met with Mayor Mosby and a representative from Queensland Health and Queensland Aboriginal and Island Health Council (QAIHC) to talk about plans to roll out this project. A workshop is planned to talk about health concerns in the region.

**ACTION:** Executive Director, Building and Community Services have an offline conversation with Cr Keith Fell regarding the TORCH project.

**11. SARG COMMITTEE MOVED INTO CLOSED BUSINESS**

**RESOLUTION:**

*Move: Cr Hilda Mosby; Second: Cr Keith Fell*

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:

- (a) the appointment, discipline or dismissal of the chief executive officer.
- (f) matters that may directly affect the health and safety of an individual or group of individuals;
- (g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

**MOTION CARRIED UNANIMOUS**

- EDES – TSIRC Fuel Improvement Program Status Update Report
- EDBCS – BSU Update – late
- Mayor – Industrial Relations Matters – Verbal
- Mayor – Matters related to CEO appointment – Verbal
- Legal – Litigation Matters – Verbal
- A/CEO & EDES – Elphinstone Close Business Case – Verbal

**12. COMMITTEE MOVED OUT OF CLOSED BUSINESS AND RESUME IN OPEN BUSINESS**

**RESOLUTION:**

*Moved: Cr Hilda Mosby; Second: Cr Keith Fell*

That the Strategic Advisory Reference Group Committee move out of closed business and resume in open business.

**MOTION CARRIED UNANIMOUS**

It was noted for minute taking purposes that at 3:14pm all staff except the Acting Chief Executive Officer and Manager of Legal Services were asked to leave the meeting.

3:30pm – Mayor Mosby left the meeting and handed the chair over to Deputy Mayor Cr Getano Lui.

3:47pm – All Staff re-joined the meeting.

**Resolutions following closed business:**

**EDES – TSIRC Fuel Improvement Program Status Update Report**

**RESOLUTION:**

*Move: Cr Aven Noah; Second: Cr Hilda Mosby*

That the Strategic Advisory Reference Group (SARG) notes the report.

**MOTION CARRIED UNANIMOUS**

**EDBCS – BSU Update – late**

**RESOLUTION:**

*Move: Cr Keith Fell; Second: Cr Aven Noah*

That SARG committee notes the information on this report and proceeds to Council ordinary meeting.

**MOTION CARRIED UNANIMOUS**

4:54pm - Staff asked to leave the meeting except for Ms Hollie Faithfull, Acting Chief Executive Officer and Mr David Baldwin, Executive Director Engineering Services.

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

**Climate Change Adaptation and Environment Committee**

Cr Hilda Mosby advised SARG that the meeting date for Climate Change Adaptation and Environment Committee on the 23<sup>rd</sup> March 2022 will be rescheduled due to Day 2 of Council Meeting.

**TSRA Standing Committees**

Cr Rocky Stephen discussed the possibility of TSRA becoming a member of TSIRC standing committee meetings or being an invited guest

**ACTION: Executive Director, Corporate Services to provide advice if TSRA committee members can become members of TSIRC standing committees or attend as invited guests.**

**CEQ Food Security**

Cr Keith Fell discussed CEQ food security. Deputy Mayor, Cr Getano Lui advised that he would raise this matter with the Mayor but suggested to take it to LDMG as an agenda item as CEQ is a member of LDMG.

**ACTION: Acting CEO to raise food security with IBIS as an agenda topic at the next LDMG meeting**

**Mura Kosker Sorority Food Security Trail**

Cr Aven Noah discussed the Mura Kosker Food Security Trail which is being trailed in 6 communities. Cr Aven Noah has requested more information.

**ACTION:** Acting Executive Director, Building and Community Services to seek additional information from Mura Kosker Sorority on the Food Security Trail and provide an overview at the next SARG meeting.

**14. Next meeting date – Tuesday 5<sup>th</sup> April 2022 | 1pm – 4pm**

Deputy Mayor, Cr Getano Lui advised the date for the next SARG meeting.

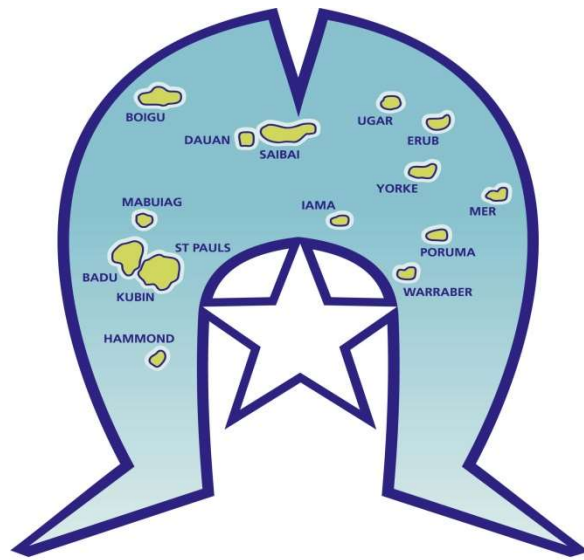
**15. Closing Remarks and Prayer**

Deputy Mayor, Cr Getano Lui acknowledged and thanked Mr David Baldwin and Ms Hollie Faithfull for their contributions and efforts during their time as Acting Chief Executive Officer and closed the meeting in a word of prayer.

**MEETING CLOSED – 5:32PM**

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

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



**Torres Strait Island**  
REGIONAL COUNCIL

# Draft Minutes

CULTURE, ARTS, LAND AND HERITAGE COMMITTEE

Date: 25<sup>th</sup> February 2022  
Time: 10:00am to 12:00pm  
Venue: VMR #6 – 0292 970 558

**PRESENT:**

Cr Aven Noah – Chair, Division 15 – Mer (Murray)  
Cr Torenzo Elisala – Committee Member, Division 2 – Dauan  
Cr Laurie Nona – Committee Member, Division 5 – Badu

**STAFF:**

Mr Dawson Sailor, Acting Executive Director, Building & Community Services  
Mr Peter Krebs, Manager Legal Services  
Ms May Mosby, Acting Secretariat

**APOLOGY:**

Ms Megan Barrett, Executive Director Corporate Services

10:41am - Cr Laurie Nona – joined the meeting

**1. Welcome (Chair)**

Cr Aven Noah, Chair welcomed and thanked Councillors and staff to the meeting and invited Cr Torenzo Elisala to open the meeting in a word of prayer.

**2. Opening Prayer**

Cr Torenzo Elisala opened the meeting in a word of prayer at 10:05am.

**3. Apology**

Ms Megan Barrett, Executive Director Corporate Services.

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

No declarations made.

**5. Noting of previous Ratified Minutes – 1<sup>st</sup> December 2021**

- 1<sup>st</sup> December 2021 – VC – Ratified at January 2022 Ordinary Meeting

**RESOLUTION:**

*Move: Cr Torenzo Elisala; Second: Cr Aven Noah*

**That the Committee notes the Minutes of the meeting held on 1<sup>st</sup> December 2021 as true and accurate account of that meeting.**

**MOTION CARRIED UNANIMOUS**

**6. Outstanding Action Items**

Mr Peter Krebs, Manager Legal Services provided the Committee with an update of one outstanding action item from the December 2021 meeting regarding the Torres Strait Flat Licencing and copyright issue with the Namok family.

**7. Visitor's application portal – (verbal)**

Mr Dawson Sailor, Acting Executive Director Building and Community Services gave a verbal update and advised the team is still working on the portal. Had a few issues with the system and layout due to the show directives constantly changing however is aiming for the end of this month (February) to finalise the portal and go live.

Both Cr Aven Noah and Cr Laurie Nona stated that Councillors had requested a comment box be included to obtain further information on the applicant.

**ACTION: That Acting Executive Director Building and Community Services to follow up with Rottannah in Visitors Management and Dean at Atturra on progress.**

## 8. Firearms Licence – Legal

Mr Peter Krebs, Manager Legal Services spoke to the report regarding the Firearms Licencing and landowner's consent to applications for firearm licences.

Mr Peter Krebs stated applications were previously signed by a Divisional Councillor however no records were found or kept and are not covered in the Trustee policy as well. Mr Peter Krebs asked the committee to consider two options moving forward, that option 1, to leave as is for a Divisional Councillor to sign off and keep copies to send to legal or option 2 when applications are received, that they be referred to a Trustee meeting for approval and a record be kept.

It is recommended that a standalone register be set up of landowner consent to applications so we have records.

With regards to Richard Gela's application, it is proposed that the application be brought to the March Trustee Meeting to have it dealt with as a standalone item until we get the policy in place.

### **RESOLUTION:**

*Move: Cr Aven Noah; Second: Cr Torenzo Elisala*

**That the Cultural, Arts, Land and Heritage Standing Committee recommends to the Trustee the following options for dealing with landowner consent for firearms licences by**

- Referring all landowner consent to Trustee meeting of council for approval where a divisional councillor will have a say.
- Maintaining a register of all landowner consent applications approved.
- Amending Council's Trustee Policy to incorporate the changes above.
- That Richard Gela's application to be dealt with at the next Trustee meeting in March.

**MOTION CARRIED UNANIMOUS**

## 9. Cultural Heritage Act review – Legal

Mr Peter Krebs, Manager Legal Services spoke to the report on the Cultural Heritage Act review.

10:41am – Cr Laurie Nona joined the meeting.

Discussions were held on this topic.

Cr Laurie Nona raised a concern with Mr Peter Krebs, Manager Legal Services that the resolution did not reflect Customary Law. Mr Peter Krebs advised that he would change the second part of the resolution.

### **RESOLUTION:**

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

**That the Cultural, Arts, Land and Heritage Committee confirms support for the following proposal to the Aboriginal and Torres Strait Island Cultural Heritage Act 2003 as outlined in the Options paper of December 2021 and recommends endorsement at Councils March 2022 Ordinary Meeting and**



**Recommends that Council provide written submissions to the Department confirming council support of the proposal and it's continuing involvement in the process to further protect customary law.**

**MOTION CARRIED UNANIMOUS**

**10. Radio Licencing – (verbal)**

Mr Peter Krebs, Manager Legal Services gave a verbal update on the renewing of radio licences in divisions. TSIRC still have the licences but don't do anymore community broadcasting and ACMA (Australian Communication and Media Authority) is seeking to renew those licence we currently have by the due date of 5<sup>th</sup> April 2022. Discussions followed on whether we continue to renew or surrender those licences. Cr Aven Noah stated that we should continue to renew. Cr Aven Noah referred to a letter from Jim Remedio, CEO CAAMA to the Mayor which was a follow up letter on their face-to-face presentation to Council last year.

Cr Aven Noah recommended that we seek membership from Northern Australia Radio Alliance (NARA) on behalf of Council to find out how Council can benefit from these services.

The radio Licences TSIRC currently hold, and expiring are Saibai, Boigu, Mer, Dauan, Kubin Ugar and Masig. The others 4 divisions of Iama, Poruma, Warraber and St Pauls are held by TSIMA and expires on 30<sup>th</sup> June 2022. Erub, Hammond and Badu and Mabuig are not listed in Senior Legal Officer's communications.

Mr Dawson Sailor, Acting Executive Director Building and Community Services recommended that this topic be mentioned at SARG whom Cr Aven Noah is a committee member.

**ACTION: That Acting Executive Director, Building and Community Services seek information on membership with Northern Australia Radio Alliance.**

Both Cr Laurie Nona and Cr Torenzo Elisala supports Cr Aven Noah to having RIBS up and running in the community again.

**RESOLUTION:**

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

**That we seek membership with Northern Australia Radio Alliance and that Cr Aven Noah, as Chair of Cultural, Arts, Land and Heritage Committee be nominated to sit on the NARA board as representative of Council.**

**MOTION CARRIED UNANIMOUS**

**11. Business Cards (double sided)**

Mr Peter Krebs spoke to this report regarding the final design of TSIRC business cards.

The committee agree that the single business cards stay as is as the alternative design will be more costly to print.

11.24am – Mr Dawson Sailor left the meeting

11:26am – Mr Dawson Sailor re-joined the meeting

**RESOLUTION:**

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

That the Culture, Arts, Land and Heritage Committee consider the proposed designs for the TSIRC Business Cards and supports the Wun Mak Island graphic on the back of the business card.

**MOTION CARRIED UNANIMOUS**

**12. Torres Strait Flag Licensing – Legal (verbal update)**

Mr Peter Krebs, Manager Legal Services provided a verbal update to the Committee that no response has yet been received from the Namok's Lawyers since their deputation in November 2021.

**13. COMMITTEE MOVES INTO CLOSED BUSINESS**

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

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

(h) 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;

(i) a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

**14. LEGAL – CB - Proposed adaptation of Torres Strait Islander Flag**

**15. COMMITTEE MOVES OUT OF CLOSED BUSINESS AND RESUMES IN OPEN BUSINESS**

**RESOLUTION:**

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

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

**MOTION CARRIED UNANIMOUS**

Resolution following closed business:

**14. LEGAL – CB - Proposed adaptation of Torres Strait Islander Flag**

**RESOLUTION:**

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

That the Committee recommend to Council:

1. That Council grant permission to Aboriginal Affairs New South Wales, NSW Department of Premier and Cabinet's Reconciliation Working Group, the State of New South Wales and its departments, agencies and statutory bodies to reproduce and adapt the image of the Torres Strait Islander flag by:
  - a. superimposing the image on the NSW Waratah Logo to create a "Torres Strait Islander Flag Waratah Logo"; and
  - b. superimposing the image on the NSW Waratah Logo alongside the Aboriginal Flag to create a "Reconciliation Waratah Logo" for use in their general communications, Reconciliation Plan and during key annual national events.
2. That pursuant to section 257 of the Local Government Act 2009, Council:

- a. delegate to the CEO the power to decide requests to reproduce the image of the Torres Strait Islander flag and issue royalty-free licences, administered by Councils Department of Building and Community Services; and
  - b. delegate to the CEO, in consultation with the Mayor, the power to decide requests to adapt or modify the image of the Torres Strait Islander flag and issue royalty-free licences, administered by Councils Department of Building & Community Services.
3. That the Executive Director Building & Community Services prepare a written flag licensing policy for Council endorsement, incorporating the information that Council submitted to the Senate Select Committee on the Aboriginal Flag in September 2020 and also incorporating a requirement that the Executive Director of Building & Community Services present an annual information report to Council on flag licensing.

**MOTION CARRIED UNANIMOUS**

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

**Identity – copyright and wearing of sacred costumes, dances, artefacts**

Cr Torenzo Elisala raised the issue of a recent social media platform arguing over culture and identity in terms of intellectual copyright of dances, artefacts, or sacred costumes and how Council could take a lead on this subject. Cr Elisala asked that the matter be left on the table for further discussions.

**17. Next meeting date**

- Friday, 27<sup>th</sup> May 2022 @ 10am

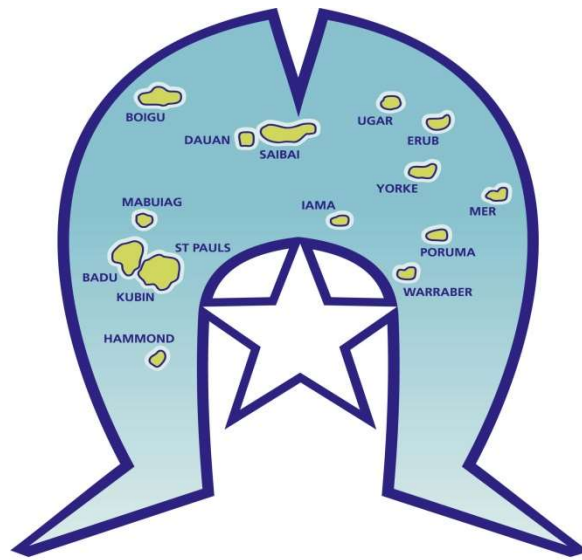
**18. Closing Prayer**

Cr Aven Noah, Chair, thanked the committee members and executive staff for their attendance and participation and encouraged the committee members to bring any matters of concern to the Committee's attention. Cr Aven Noah asked Cr Laurie Nona to close the meeting in a word of prayer.

**MEETING CLOSED 12:21PM**

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

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



**Torres Strait Island**  
REGIONAL COUNCIL

## DRAFT MINUTES

### GOVERNANCE AND LEADERSHIP COMMITTEE

Date: 10<sup>th</sup> November 2021  
Time: 10:00am to 12:00pm  
Venue: Cairns

**PRESENT:**

Deputy Mayor Councillor Getano Lui (Jnr), Division 9 – Iama (Yam)  
Cr Lama Trinkoon, Committee Member, Division 6 – Kubin (Arkai), Mua Island  
Cr Laurie Nona, Division 5 – Badu  
Cr Francis Pearson, Division 11 – Poruma (Coconut)

**APOLOGY:**

Cr Dimas Toby, Committee Member, Division 1 - Boigu

**STAFF:**

Ms Megan Barrett – Interim Executive Corporate Services  
Ms Julia Maurus – Senior Legal Officer  
Ms May Mosby – Acting Secretariat  
Ms Naila Nomoa – Travel Officer

1. **Welcome (Chair)**

Cr Getano Lui welcomed committee and staff members.

2. **Opening Prayer**

Cr Getano Lui opened the meeting with a word of prayer.

3. **Apology**

Cr Dimas Toby due to attendance at TSRA meeting on Thursday Island.

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

Nil

5. **Ratified Minutes for noting – 11 February 2021**

Cr Getano Lui asked to amend the surname of Mr Ken White to Ken Wyatt.

6. **Action Items List**

No update on action items

7. **CORPORATE - Council Boundary Change**

Ms Megan Barrett, Executive Director, Corporate Services spoke to this report. It was noted that the paper had not been cast in an appropriate form and was more of a political proposal, than a culturally appropriate and relevant document. Councillors agreed that there should be a revision of the paper, to better accommodate priorities including but not limited to:

- Request Minister Wyatt attend outer island.
- There was discussion about the status of certain islands and their inclusion in Outer Island definitions
- St Pauls Anglican Mission
- Hammond Island Catholic Mission
- Thursday Island special quarantine zones including Hammond Island
- Hammond Island and Torres Strait Protected Zone
- PNG Waters

- Map for use with Deputations
- Enough consultation has been done. Further input from Torres Shire would be repetitive and political and therefore not necessarily relevant.
- Protected Zone joint Authority (PZJA)

**ACTION: Executive Director, Corporate Services prepare map/report and seek input from Cr Lui, then to direct revised report to SARG to develop a paper for Council's consideration . Revise proposed boundary lines to align more with the "Top Hat" model and ensure the revised paper is culturally appropriate and accurate.**

## **8. CORPORATE – Deputations – Top 10 priorities**

Ms Megan Barrett, Executive Director Corporate Services spoke to this report and introduced the draft Deputations document, noting that this was initial draft and should be regarded as an opportunity for feedback. Councillors were reminded of the short timelines to finalise and approve the document in order for it to be utilised at the November/December 2021 Deputations visits in Brisbane.

Members were pleased to note the use of more direct language, a greater reliance on facts and a shorter, easier-to-read document. Thanks were extended and it was agreed that the draft should progress to Council once a final draft was available.

**ACTION: Executive Director, Corporate Services provide a report on the final draft Deputations 2021-22 document to SARG and/or Council (time permitting) for approval.**

## **9. LEGAL – Delegations Update: Building Regulation 2021**

Senior Legal Officer, Ms Julia Maurus spoke to report and an in-depth conversation was held.

A new instrument of delegations is required and considered.

**ACTION: Senior Legal Officer to provide a report on the new instrument of delegations.**

## **10. COMMITTEE MOVES INTO CLOSED BUSINESS**

### **RESOLUTION:**

***Move:* Cr Lama Trinkoon Second: Cr Getano Lui**

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

(h) 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.

**MOTION CARRIED**

**11. LEGAL – CB – Torres Strait islander Flag Licensing**

The meeting closed at 12:30pm due to conflict with another meeting. The Chair requested the meeting be rescheduled when time permits.

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

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



STATEGIC AND OPERATIONAL ACTIONS FROM ORDINARY MEETING AND EXECUTIVE - PLUS OPERATIONAL ACTIONS ONLY FROM SARG TO BE INPUT ONTO THIS DOCUMENT #85075												
Date	Month of Meeting	Year	Type of Meeting	Community	Agenda Report	Action	Lead Officer	Advisory Officer	Budget (Y/N)	Plans - Op Plan, AMPs, Risk Register (Y/N)	Lead Officer Comments	ETA
15	February	2022	Council Ordinary	VC	Building - Demolition of Housing	Acting Executive Director Building and Community Services to approach the Department of Community, Housing and Digital Economy on an audit of demolitions and possibility of a program across the Region. The aim of the audit is to inform deputations to relevant Ministers.	Executive Director, Building and Community Services				In progress, working with Housing team and BSU on identification of properties.	ongoing
16	February	2022	Council Ordinary	VC	Business Arising from Information Reports	Executive Director, Engineering Services have an offline conversation with Cr Getano Lui with regards to his concerns with the accuracy of the Engineering Information Reports in relation to lama.	Executive Director, Engineering Services				Executive Director Engineering Services have discussed this issue offline with Cr Lui	
16	February	2022	Council Ordinary	VC	Strategic Matters	That Acting Chief Executive Officer to speak with Torres and Cape Health Services to request information session are provided to communities on COVID related issues.	Chief Executive Officer				This matter was raised by Deputy Mayor in the last LDMG meeting which TCHHS is a member of. SEA has since followed up and waiting on a response.	ongoing
16	February	2022	Council Ordinary	VC	Strategic Matters	Acting Executive Director, Financial Services to ensure that Councillor's allowances are to be processed by 3:00pm on the day they are due.	Executive Director, Finanical Services				Councillor's payments processed at 3pm on 28 February 2022 and notification email sent to Councillors. All further allowance payments per Council's direction will be processed a 3pm each fortnight.	completed
16	February	2022	Council Ordinary	VC	Mabuiag Funeral Trust Fund	The Manager of Legal Services to provide a report to Council about the allocation of Trust Funds and whether delegation for future allocations of any of the Trust Funds should be given to the Chief Executive Officer and Mayor.	Manager Legal Services				Matter referred to MacDonnells Law for advice	ongoing



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT

<b>ORDINARY MEETING:</b>	March 2022
<b>DATE:</b>	22/23 March 2022
<b>ITEM:</b>	Agenda Item for Resolution by Council
<b>SUBJECT:</b>	Change of April OM meeting place
<b>AUTHOR:</b>	Mette Nordling, Manager, Governance and Compliance

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### **Recommendation:**

Council resolves to relocate the April Ordinary Meeting of Council from a meeting conducted via videoconference to a face-to-face meeting to be held in Community.

### **Executive Summary:**

Due to the COVID-19 event, Council's February and March Ordinary Meetings were relocated from face-to-face meetings at Masig and Warraber respectively to meetings conducted via videoconference. It is now considered safe for Councillors, Council Officers and Communities to conduct face-to-face meetings in Community.

### **Background:**

At Council's Ordinary Meeting in December 2021 Council resolved to hold the April Ordinary Meeting via videoconference.

In January 2022 the State Government encouraged everyone, who could, to work from home and Council's Business Continuity Planning Team (BCP Team) embraced this, especially in the Cairns Office, where most staff were working from home.

The Acting Chief Executive Officer restricted work related travel between Cairns and the Torres Strait to ensure the risk of spreading the virus further in the region was minimised.

Queensland Health now considers the peak of the COVID-19 event to have passed in Cairns as well as in the Torres Strait.

Following the relocation of Council's February and March Ordinary Meetings to videoconference it is now again considered safe for Councillors, Council Officers and Communities to conduct face-to-face meetings in Community.

### **Comment:**

As the majority of COVID-19 restrictions have been lifted by the State Government and staff are gradually returning to the office, it is considered appropriate and safe for Councillors, Council Officers and Community Members that the Ordinary Council Meeting for April 2022 be conducted face-to

face in Community.

### **Considerations**

#### Risk Management

It is considered to relocate the meeting from videoconference to a face-to-face meeting.

#### Council Finance

There were cost savings by relocating the February and March Ordinary Meetings from Masig and Warraber to videoconference

### **Consultation:**

- Mayor
- Chief Executive Officer

### **Links to Strategic Plans:**

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

### **Statutory Requirements:**

*Local Government Act 2009*

*Local Government Regulation 2012*

### **Conclusion:**

That Council resolves to relocate the April Ordinary Meeting of Council from a meeting conducted via videoconference, to a face-to-face in Community.



### **Recommended:**

Megan Barrett  
Executive Director Corporate Services



### **Approved:**

James William  
Chief Executive Officer



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT

**ORDINARY MEETING:** March 2022

**DATE:** 22 & 23 March 2022

**ITEM:** Agenda Report

**SUBJECT:** Funding Acquisition Report

**AUTHOR:** Melissa Wright - Acting Manager Enterprise Development & Delivery

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### Recommendation:

That Council resolves to note this report and its content.

### Executive Summary:

This report provides an update on and summary of Council's recent grant acquisition activities.

### New Agreements/Variations:

The following is a list of all new agreements and/or variations that were executed during the month of February 2022 within the Chief Executive Officer's financial delegation limit of \$1,000,000 as per Council's Strategic External Grant Funding Policy:

- LGAQ – Coastal Hazard Adaption Strategy  
New Agreement  
Value \$245,025
- Department of Sport & Rec – Dauan Island Multipurpose Court Project  
Extension of Time Variation

### Current Application Status Report:

The following table highlights all funding applied for during this financial year, including details on their outcomes and a status report on all unsuccessful and long-term pending applications. Please note, the reporting period is for the fiscal year to align with Council's budget and projected forecasts.

Funding Stream	Value	Project Details	Date of Application	Outcome	Current Status Report
<i>Reporting period - 1 July 2021 – 28 February 2022</i>					
<i>DESE – Community Child Care Funding</i>	<i>\$18,000</i>	<i>Structural Report and QS Completed for the Aragon Child Care Centre Building</i>	<i>16<sup>th</sup> February 2022</i>	<i>Successful</i>	
<i>Qld Resilience &amp; Risk Reduction Fund – EOI</i>	<i>\$295,000</i>	<i>HF Radio Network Expansion</i>	<i>21<sup>st</sup> February 2022</i>	<i>Pending</i>	

<b>Funding Stream</b>	<b>Value</b>	<b>Project Details</b>	<b>Date of Application</b>	<b>Outcome</b>	<b>Current Status Report</b>
<i>Qld Resilience &amp; Risk Reduction Fund – EOI</i>	<i>\$2,000,000</i>	<i>Purchase and installation of backup generators for disaster coordination centres</i>	<i>18<sup>th</sup> February 2022</i>	<i>Pending</i>	
<i>Qld Resilience &amp; Risk Reduction Fund - EOI</i>	<i>\$265,000</i>	<i>Employment of a Coastal Hazard Resilience Officer</i>	<i>18<sup>th</sup> February 2022</i>	<i>Pending</i>	
<i>Saluting Their Service Commemorative Grant</i>	<i>\$10,000</i>	<i>Installation of a Defence Force Memorial on Erub Island</i>	<i>9<sup>th</sup> February 2022</i>	<i>Pending</i>	<i>The outcome of this funding is expected in May 2022</i>
<i>Regional &amp; Remote Recycling Modernisation Fund</i>	<i>\$517,550</i>	<i>Development and implementation of a pilot program on Warraber Island to effectively manage recyclable materials and reduce landfill.</i>	<i>25<sup>th</sup> January 2022</i>	<i>Pending</i>	<i>The outcome of this funding is expected in April 2022</i>
<i>QRA – Disaster Recovery Funding Arrangements</i>	<i>\$561,097.03</i>	<i>Reconstruction of essential public assets, Tropical Low 24-30 January 2021 event. DRFA Various Islands.</i>	<i>December</i>	<i>Successful</i>	
<i>Building our Regions Round 6 – Reservoir Roads Design – EOI</i>	<i>\$275,000</i>	<i>Development of detailed engineering plans for all-weather access roads to reservoirs at Hammond, Badu, Mabuig, Iama and Mer</i>	<i>21<sup>st</sup> December 2021</i>	<i>Pending</i>	<i>The outcome of this funding is expected by June 2022</i>
<i>Building our Regions Round 6 – Iama Drinking Water Lagoon Study – EOI</i>	<i>\$175,000</i>	<i>Feasibility study for new water storage lagoon on Iama Island</i>	<i>21<sup>st</sup> December 2021</i>	<i>Pending</i>	<i>The outcome of this funding is expected by June 2022</i>
<i>Building our Regions Round 6 – St Pauls Ladyhill Rd Drainage Design – EOI</i>	<i>\$85,000</i>	<i>Detailed drainage design and engineering report for Ladyhill Road on St Pauls</i>	<i>21<sup>st</sup> December 2021</i>	<i>Pending</i>	<i>The outcome of this funding is expected by June 2022</i>
<i>Building our Regions Round 6 – Warraber Sewer Replacement -EOI</i>	<i>\$1,875,000</i>	<i>Replacement of sewer Pumpstation 1 on Warraber Island</i>	<i>23<sup>rd</sup> November 2021</i>	<i>Pending</i>	<i>The outcome of this funding is expected by June 2022</i>
<i>Building our Regions Round 6 – Badu Reservoir Main – EOI</i>	<i>\$350,000</i>	<i>Construction of a new section of water main from the reservoir to the town network – Badu</i>	<i>23<sup>rd</sup> November 2021</i>	<i>Pending</i>	<i>The outcome of this funding is expected by June 2022</i>

Funding Stream	Value	Project Details	Date of Application	Outcome	Current Status Report
<i>Building our Regions Round 6 – Badu &amp; Mabuiag Water Network Management – EOI</i>	<i>\$280,000</i>	<i>Implementation of smartmeters and additional valving into water network</i>	<i>23<sup>rd</sup> November 2021</i>	<i>Pending</i>	<i>The outcome of this funding is expected by June 2022</i>
<i>QRA – Disaster Recovery Funding Arrangements</i>	<i>\$499,983.82</i>	<i>Reconstruction of essential public assets, Tropical Low 24-30 January 2021 event. Boigu, Dauan and Saibai Islands</i>	<i>November 2021</i>	<i>Successful</i>	
<i>QRA – Disaster Recovery Funding Arrangements</i>	<i>\$740,652.25</i>	<i>Reconstruction of essential public assets, Tropical Low 24-30 January 2021 event. Hammond Island</i>	<i>November 2021</i>	<i>Successful</i>	
<i>QRA – Disaster Recovery Funding Arrangements</i>	<i>\$89,697.95</i>	<i>Reconstruction of essential public assets, Tropical Low 24-30 January 2021 event. Ugar Island.</i>	<i>November 2021</i>	<i>Successful</i>	
<i>QRA – Disaster Recovery Funding Arrangements</i>	<i>\$2,241,893.17</i>	<i>Reconstruction of essential public assets, Tropical Low 24-30 January 2021 event. Various Roads.</i>	<i>November 2021</i>	<i>Successful</i>	
<i>LRCI Phase 3</i>	<i>\$388,576</i>	<i>Upgrade of Dauan Helipad Road</i>	<i>22<sup>nd</sup> November 2021</i>	<i>Successful</i>	
<i>State Government Financial Aid</i>	<i>\$7,393,000</i>	<i>Recurring annual funding to assist local governments with operational costs</i>	<i>N/A</i>	<i>N/A</i>	
<i>Revenue Replacement Program</i>	<i>\$546,200</i>	<i>Recurring annual funding for Indigenous Councils that handed over profitable liquor licences</i>	<i>N/A</i>	<i>N/A</i>	
<i>LGAQ QCoast2100 2.0</i>	<i>\$247,500</i>	<i>Funding to complete phases 6-8 of the Coastal Hazard Adaption Strategy</i>	<i>5<sup>th</sup> November 2021</i>	<i>Successful</i>	
<i>Indigenous Language Grants</i>	<i>\$20,000</i>	<i>Development of Environmental Health Material and other Community Messages using Torres Strait Language. The media will include posters, prints, and videography.</i>	<i>15<sup>th</sup> October 2021</i>	<i>Unsuccessful</i>	




Funding Stream	Value	Project Details	Date of Application	Outcome	Current Status Report
Queensland Reconstruction Authority	\$67,554	Design of Dauan Island Western Reservoir Road.	August 21	Successful	
State Library of Qld	\$17,000	Extension of funding for a further one-year period.	5 <sup>th</sup> July 21	Successful	
Dept. Sport & Rec	\$225,000	Funding to increase HLO's hours to deliver a fitness program under the direction of a qualified Personal Trainer	July 21	Successful	

<b>Total Amount Applied for between 1 July 2021 and 28 February 2022</b>
<b>\$19,183,704.20</b>

<b>Total Amount Successful between 1 July 2021 and 28 February 2022</b>	
Building Services	
Engineering	\$4,836,954.22
Community Services	\$260,000
Business Services	\$7,393,000
Executive	\$546,200
<b>Combined Total</b>	<b>\$13,036,154.20</b>

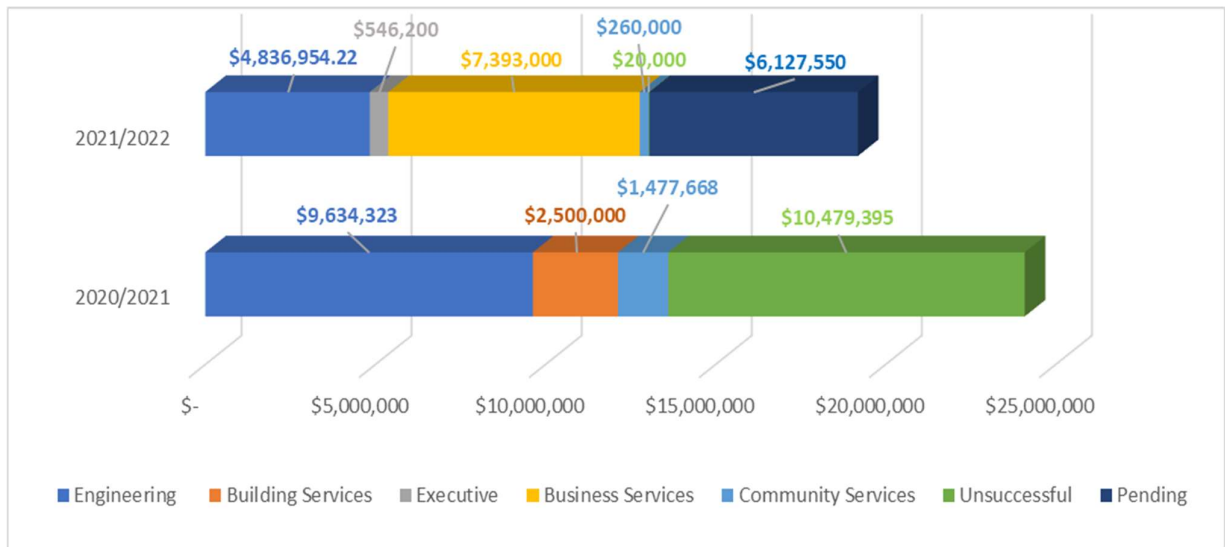
### Funding Applications in Progress:

The below list outlines all funding applications that are currently in progress.

-  Department of Health  
 Minor capital funding to complete rectification works at Aragon Child Care and Hammond Island After School Care Centres  
 Value - TBD
-  Local Government Grants and Subsidies Program  
 Fuel Infrastructure on Poruma, Dauan and Hammond Islands  
 Value - \$1,200,000
-  Local Government Grants and Subsidies Program  
 Information Technology, Network Upgrade  
 Value - \$435,000

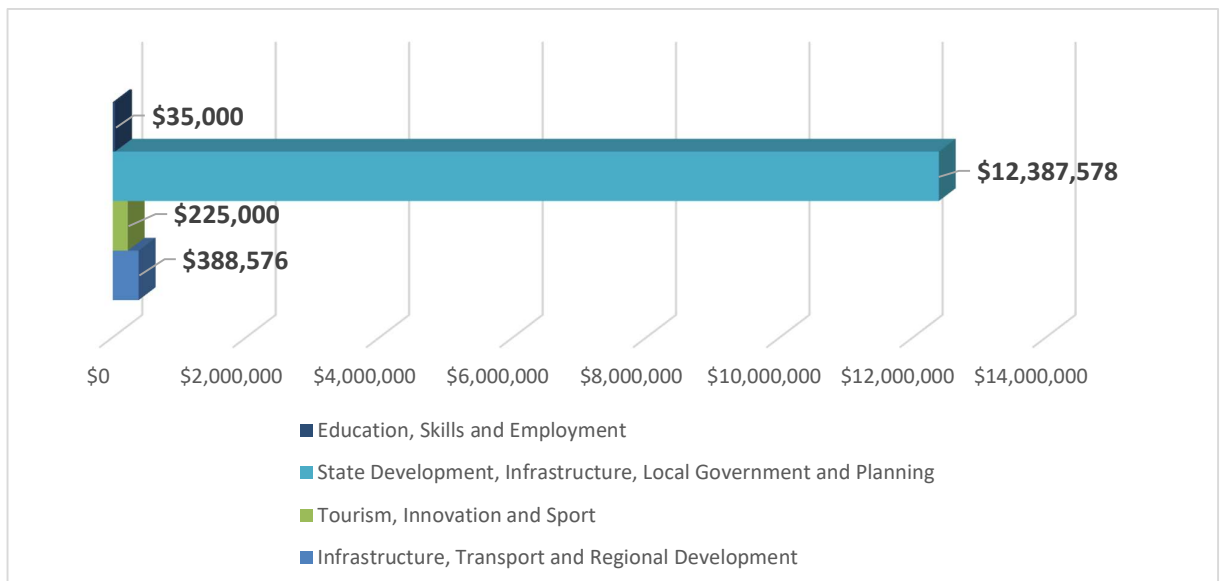
### Historical Funding Comparison:

The following graph provides a historical comparison of total funding applied for during each financial year, with a breakdown of funding received per internal department, including the value of pending and unsuccessful applications.



### Breakup of Funding Per Portfolio:

The following graph is a breakdown of successful funding received to date per ministerial portfolio.





## Councillor's Top 5 Priorities Status:

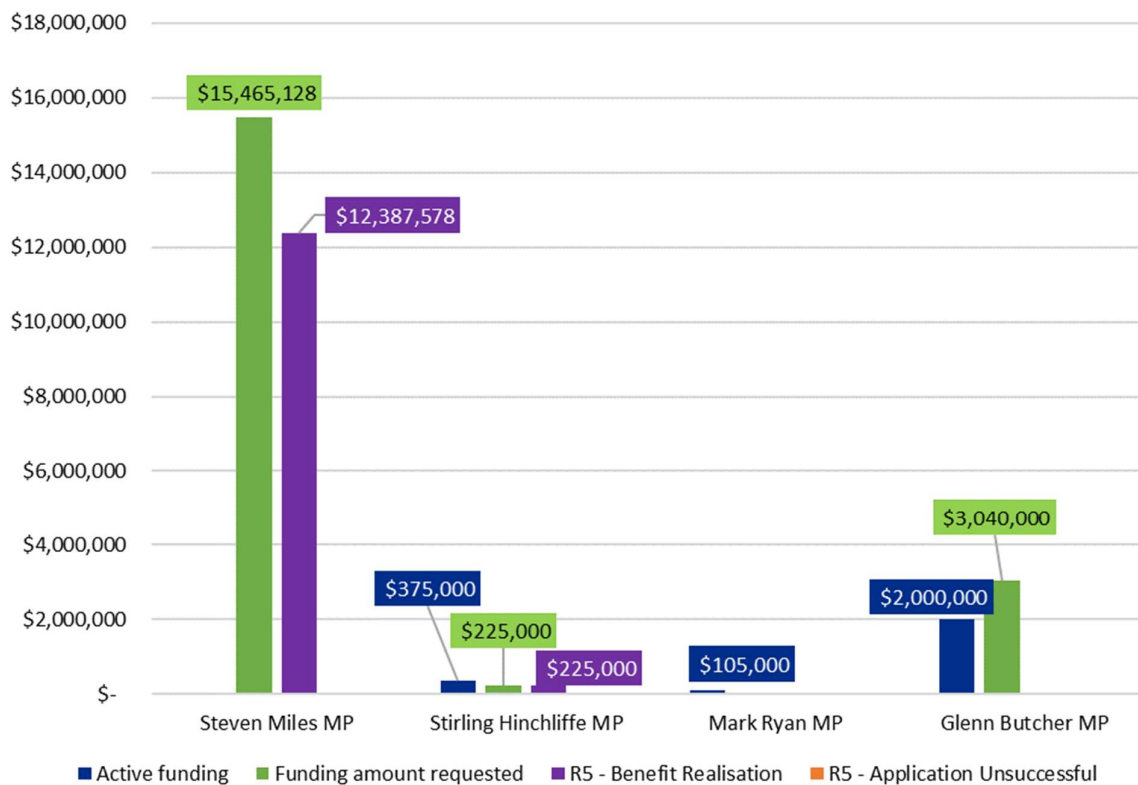
The following table provides an update on the current status of Councillor Top 5 Priority projects. Out of 75 identified projects there are currently 15 projects that have either been completed or are in the process of being completed, and a further 2 projects that are in initial application stages. All remaining projects will continue to be matched against potential funding opportunities as they arise.

Priority List	Number of Initiatives	Total Value	%Total	R1 - Identified	R2 - Qualified	R3 - BSA Review	R4 - Submitted	R5 - Benefit Realisation
Priority 1	15	\$22,393,800.00	28%	8	3	0	0	4
Priority 2	15	\$23,071,857.00	28%	10	2	0	0	3
Priority 3	15	\$12,658,857.00	16%	7	3	0	0	5
Priority 4	15	\$11,622,000.00	14%	11	2	0	0	0
Priority 5	15	\$11,467,718.00	14%	10	1	0	0	3
<b>Total</b>	<b>75</b>	<b>\$81,214,232.00</b>	<b>100%</b>	<b>46</b>	<b>11</b>	<b>0</b>	<b>0</b>	<b>15</b>

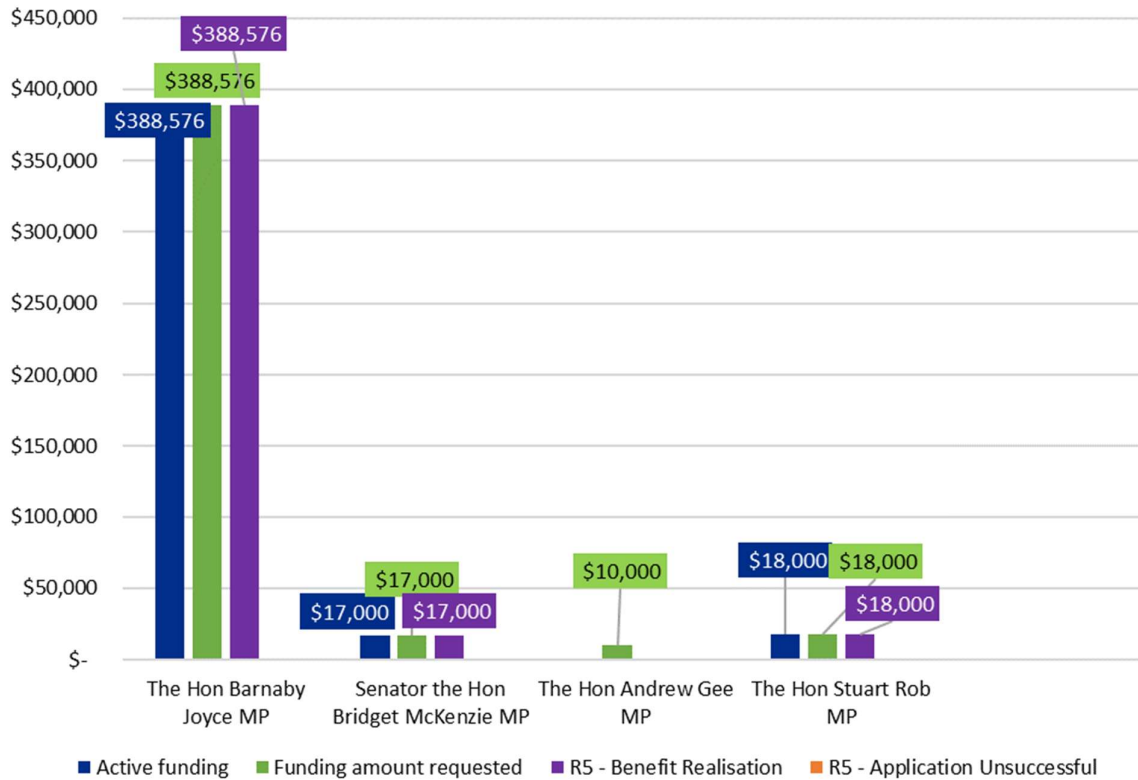
## Funding Agency Portfolio Breakdown:

The Funding Agency Portfolio breakdowns show the total value of active funding, requested funding, and successful and unsuccessful applications per State (below) and Federal (overleaf) Ministerial.

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



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



### Value of Applications by Stage:

The two pie charts displayed below outline the total amount of successful funding broken down into State and Federal Portfolio's (Graph 1) and the total value of funding applications submitted versus the total value of successful applications.

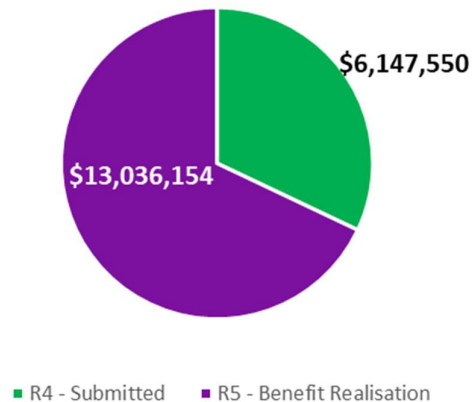
**Graph 1**

Successful Funding Only (Federal vs State)



**Graph 2**

Submitted - Benefit Realisation



**Links to Strategic Plans:**

- Corporate Plan 2020-2025:
  - People - Outcome 4: We are a transparent, open and engaging Council.
  - Sustainability - Outcome 8: We manage Council affairs responsibly to the benefit of our communities.
- Operational Plan 2022-2022:
  - Objective 11: Further develop a good governance and risk culture across Council.

**Statutory Requirements:**

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

**Conclusion:**

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



**Recommended:**  
Megan Barrett  
Executive Director Corporate Services



**Approved:**  
James William  
Chief Executive Officer



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT

<b>ORDINARY MEETING:</b>	March 2022
<b>DATE:</b>	22 <sup>nd</sup> -23 <sup>rd</sup> March 2022
<b>ITEM:</b>	Agenda Item for Resolution by Council
<b>SUBJECT:</b>	Community Grants Program Allocation – March 2022
<b>AUTHOR:</b>	Katherine Epseg, Customer Services Officer, Corporate Affairs

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### Recommendation:

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

March Community Grant Applications received from Community Entities for the maximum threshold of \$10,000:

- Mabuiag Men's Sporting Group for the eligible amount of \$10,000.00 exclusive of GST, as per the submitted application.
- Masig Mix Under 12's Rugby League Team for the eligible amount of \$2,435.00 exclusive of GST, as per submitted application.
- New Day Torres Strait Islander Corporation for the eligible amount of \$7,732.00 exclusive of GST, as per submitted application.
- Mer Island Under 12's Rugby League Team for the eligible amount of \$6,374.00 exclusive of GST, as per submitted application.
- Arkai Brothers Rugby League for the eligible amount of \$4,144.00 exclusive of GST, as per submitted application.
- Saibai Island Under 12's Rugby League Team for the eligible amount of \$4,574.00 exclusive of GST, as per submitted application.
- Erub Island Under 12's Rugby League Team for the eligible amount of \$5,970.00 exclusive of GST, as per submitted application.
- Dauan Island Under 12's Rugby League Team for the eligible amount of \$10,000.00 exclusive of GST, as per submitted application.
- Yam Island Under 12's Rugby League Team for the eligible amount of \$5,982.00 exclusive of GST, as per submitted application.
- Yam Island Dance Group for the eligible amount of \$5,982.00 exclusive of GST, as per submitted application.
- Boigu Touch Team Group for the eligible amount of \$4,728.00 exclusive of GST, as per submitted application.
- Wug Sporting Group for the eligible amount of \$4,144.00 exclusive of GST, as per submitted application.

- Warraber Island Under 12's Rugby League Team Group for the eligible amount of \$3,464.00 exclusive of GST, as per submitted application.
- Badu Island Under 12's Rugby League Team Group for eligible amount of \$1,500.00 exclusive of GST, as per submitted application.

Community Grant Applications received from Individual applicants for the maximum threshold of \$2,500:

- Milleon Tamu for the eligible amount of \$2,267.00 exclusive of GST, as per submitted application.

### Executive Summary:

In line with Council's Community Grants Policy, endorsed by Council at the December 2021 Ordinary Meeting, and further advice provided by MacDonnells Law, Community Grant applications must be decided upon, on one occasion at any time during the month.

### Community Grants Background:

For the month of March, fifteen (15) Community Grant applications meeting the eligibility and financial requirements were received.

An assessment based on eligibility criteria was conducted by Council officers in accordance with the Community Grant Policy. An acknowledgement of each application being received and assessed as compliant was issued to each applicant.

The fifteen (15) applications which meet both eligibility and financial requirements are:

Community Entity Applicants	Project/Event	Location
Mabuiag Men's Sporting Group	Contribution towards travel costs associated with participating in the Junior Rugby League Camp on <b>Mabuiag Island</b> , 04-06/04/2022	Mabuiag
Masig Mix Under 12's Rugby League Team	Contribution towards travel costs associated with participating in the Junior Rugby League Camp on <b>Yam Island</b> , 07-09/04/2022	Masig
New Day Torres Strait Islander Corporation	Contribution towards travel costs associated with participating in the Junior Rugby League Camp on <b>Yam Island</b> , 07-09/04/2022	Poruma
Mer Island Under 12's Rugby League Team	Contribution towards travel costs associated with participating in the Junior Rugby League Camp on <b>Yam Island</b> , 07-09/03/2022	Mer
Arkai Brothers Rugby League	Contribution towards travel costs associated with participating in the Junior Rugby League Camp on <b>Mabuiag Island</b> , 04-06/04/2022	Kubin

Saibai Island Under 12's Rugby League Team	Contribution towards travel costs associated with participating in the Junior Rugby League Camp on <b>Mabuiag Island</b> , 04-06/04/2022	Saibai
Erub Island Under 12's Rugby League Team	Contribution towards travel costs associated with participating in the Junior Rugby League Camp on <b>Yam Island</b> , 07-09/04/2022	Erub
Yam Island Under 12's Rugby League Team	Contribution towards travel costs associated with participating in the Junior Rugby League Camp on <b>Yam Island</b> , 07-09/04/2022	Yam
Yam Island Dance Group	Contribution towards travel costs associated with attending a wedding on Mua Island, 02/04/2022	Yam
Dauan Island Under 12's Rugby League Team	Contribution towards travel costs associated with participating in the Junior Rugby League Camp on <b>Mabuiag Island</b> , 04-06/04/2022	Dauan
Boigu Touch Team	Contribution towards travel costs associated with participating in the Junior Rugby League Camp on <b>Mabuiag Island</b> , 04-06/04/2022	Boigu
Wug Sporting	Contribution towards travel costs associated with participating in the Junior Rugby League Camp on <b>Mabuiag Island</b> , 04-06/04/2022	St Pauls
Warraber Island Under 12's Rugby League Team	Contribution towards travel costs associated with participating in the Junior Rugby League Camp on <b>Yam Island</b> , 07-09/04/2022	Warraber
Badu Island Under 12's Rugby League Team	Contribution towards travel costs associated with participating in the Junior Rugby League Camp on <b>Mabuiag Island</b> , 04-06/04/2022 <i>Kindly funded by Cr. Conwell Tabuai on behalf of Saibai Island.</i>	Badu

Individual Applicants	Project	Location
Milleon Tamu	Contribution towards costs associated with purchasing study supplies to attend TAFE in Toowoomba – Diploma of Primary Health Practice	Yam

The following three (3) Community Grant applications were also received during the month of March and all three met eligibility requirements in accordance with the Community Grant Policy, however due to funds being exhausted in their Division all three (3) applications were unable to be supported by Council:

Applicants	Project	Location
Mulga Juniors	Request for \$2500 towards the purchase of Rugby League apparel for use at future events and competitions.	Badu
CV Cutters (Badu Touch Team)	Request for \$2040 to cover accommodation costs to participate in the Battle of the Islands competition on Thursday Island.	Badu
Mulga Tigers RLFC	Request for \$2500 towards the purchase of Rugby League apparel to participate in the 2022 KRL competition on Thursday Island.	Badu

*\*Unsupported*

### **Regional Grants Background:**

In line with Council's Community Grants Policy, eligible Regional Grants are submitted during three (3) funding rounds per financial year. For the submission period of 15<sup>th</sup> December 2021 – 15<sup>th</sup> January 2022, the following applications were received:

- Nil (0) Regional Grants applications were received.

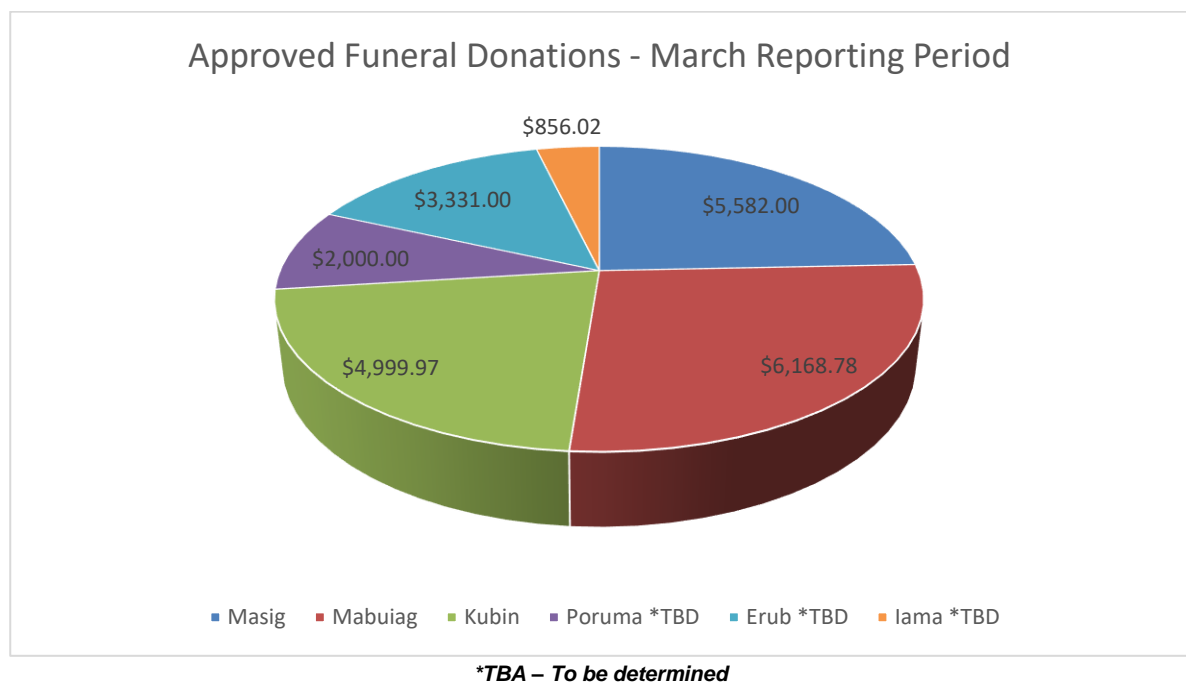
The final Regional Grants funding round for this financial year is 15<sup>th</sup> April – 15<sup>th</sup> May 2022. Any Regional Grants applications received during this submission period will be tabled at the June 2022 Ordinary Council Meeting.

### **Funeral Donations Background:**

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

These applications will be determined by the Chief Executive Officer having regard to the recommendations of the Divisional Councillor, Head of Community Services and Executive Director of Community Services and Building Services.

The following graph highlights all funeral grants received for this month's reporting period, including details of their values and outcomes.



### In-Kind Assistance Background:

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

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

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

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

Applicant	Description	Division	Waiver of Fees
Geiza Stow	Hire of Community Hall for Women's Week – Keep Making Noise Event, 07-13/03/2022	Badu	\$906.00
Geiza Stow	Hire of Community Hall for Global Indigenous Apostolic Prophetic – Church Rally 17-20/03/2022	Badu	\$377.00



**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.

**Statutory Requirements:**

*Local Government Act 2009*

**Conclusion:**

That Council resolves to provide Community Grant support to the eligible applicants in accordance with the Community Grants policy.



Megan Barrett  
Executive Director, Corporate Services



**Approved:**  
James William  
Chief Executive Officer

**Attachment:** Fund Balances

**Attachment: Fund Balances (after payment of applications endorsed at February 2021 OM)**

<b>Division</b>	<b>Councillor</b>	<b>Budget</b>	<b>Less approved funding</b>	<b>Closing Balance</b>
Boigu	Cr. Toby	\$25,000.00	\$18,130.45	\$6,869.55
Hammond	Cr. Dorante	\$25,000.00	\$7,000.00	\$18,000.00
St Pauls	Cr. Levi	\$25,000.00	\$20,690.20	\$4,309.80
Ugar	Cr. Stephen	\$25,000.00	\$11,176.66	\$13,823.34
Badu	Cr. Nona	\$25,000.00	\$24,734.65	\$265.00
Dauan	Cr. Elisala	\$25,000.00	\$0.00	\$25,000.00
Erub	Cr. Gela	\$25,000.00	\$16,233.70	\$8,766.30
Iama	Cr. Lui	\$25,000.00	\$11,782.00	\$13,218.00
Kubin	Cr. Trinkoon	\$25,000.00	\$5,688.08	\$19,311.92
Mabuiag	Cr. Fell	\$25,000.00	\$2,963.21	\$22,036.79
Mer	Cr. Noah	\$25,000.00	\$14,408.74	\$10,591.26
Poruma	Cr. Pearson	\$25,000.00	\$1,950.00	\$23,050.00
Saibai	Cr. Tabuai	\$25,000.00	\$13,243.97	\$11,756.03
Warraber	Cr. Tamu	\$25,000.00	\$23,000.00	\$2,000.00
Yorke	Cr. Mosby	\$25,000.00	\$21,453.59	\$3,546.41
Mayor	Cr. Mosby	\$30,000.00	\$0.00	\$30,000.00
Regional Grant		\$50,000.00	\$4,962.18	\$45,037.82
		<b>\$455,000.00</b>	<b>\$197,417.43</b>	<b>\$257,582.57</b>



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT

<b>ORDINARY MEETING:</b>	March 2022
<b>DATE:</b>	22 <sup>nd</sup> & 23 <sup>rd</sup> March 2022
<b>ITEM:</b>	Agenda Item for <u>Resolution</u> by Council
<b>SUBJECT:</b>	Award Tender No. TSIRC 2021-358 - ICCIP Project #21 – Dauan Island Water Main, WTP & Well Upgrade
<b>AUTHOR:</b>	Daniel Harrington – Senior Project Engineer

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### Recommendation:

That;

Council resolves to:

- Subject to confirmation of funding extension, Award the Tender No. TSIRC 2021-358 – ICCIP Project #21 – Dauan Island Water Main, WTP & Well Upgrades to M&J Arthur Pty Ltd for an amount of up to \$2,897,000.00 excl. GST;
- 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 and contract including without limitation any options and/or variations as per Council's procurement and ethical sourcing policy.

### Purpose:

- The purpose of this Agenda Report is to provide Council with a recommendation to award the Tender No. TSIRC 2021-358 – ICCIP Project #21 – Dauan Island Water Main, WTP & Well Upgrades to M&J Arthur Pty Ltd for an amount of up to \$2,897,000.00 excl. GST.

### Background:

ICCIP is a one-off funding program, administered by the Queensland Government Department of State Development, Infrastructure, Local Government and Planning (DSDLIGP), previously Queensland Government Department of Local Government, Racing and Multicultural Affairs (DLGRMA). The Grantee for the Dauan Island Water Main, WTP & Well Upgrades is the Torres Strait Island Regional Council (TSIRC).

ICCIP Project #21 involves the construction of a new rising main to connect Wells 1 & 2 to the covered lagoon, this will allow all sourced water to be treated and chlorinated at the WTP. The project also includes upgrades of the well pumpstations and WTP, and the addition of a rising main connection for an emergency desalination unit. The existing water treatment and production infrastructure is at the end of its design life and is in need of urgent refurbishment. The proposed works is critical to provide a robust long-term solution for the provision of safe drinking water for the Dauan community.

### Works Scope:

The general scope of works will be undertaken in the following order:

1. Procure materials
2. Mobilisation to site
3. Construct new rising main
4. Remove existing pumps, pipework, instrumentation, and filters
5. Install of new pumps, pipework, instrumentation, and filters
6. Quality Assurance testing & Commissioning

## 7. Disposal of all redundant equipment and material offsite & demobilisation from site

### Funding:

The ICCIP funding deadline is 30<sup>th</sup> June 2022. The M&J Arthur Schedule indicates a project completion date of 18 November. It is projected therefore that the project will extend past the current funding period, as such a funding extension is currently being sought by TSIRC for this project. Therefore, approval of this tender at the March 2022 Council Ordinary Meeting is critical such that assuming when an extension is granted the contract can progress with immediately.

Note: if Council resolution is passed at the March 2022 Council Ordinary meeting a funding extension in line with the project schedule will still need to be granted before TSIRC would award the Contract to M&J Arthur.

Based on M&J Arthurs' *Revised Tender* price, which was obtained through post tender clarifications that included scope reduction, there is sufficient budget allocated through ICCIP for this project. It is noted that the anticipated project schedule is not inclusive of any unknown delays associated with impacts due to COVID-19. Potential impacts could be the supply of equipment, as well as site access to complete the scope of works. Any delays will be communicated to the funding body and managed by TSIRC accordingly.

### Procurement Process:

In accordance with Council's procurement policy and the Local Government regulations 2012, an open tender process was initiated for Tender No TSIRC 2021-358. Table 1 below outlines the tendering process undertaken.

Description	Details
Advertising	VendorPanel Website
Advertised Date	23 <sup>rd</sup> December 2021
Tender Site Inspection	18 <sup>th</sup> January 2022
Tenders Due	5pm Monday 7 <sup>th</sup> February 2022
Tender Period	6 weeks
Tenders received	Four (4) conforming tenders were received by TSIRC.

*Table 1 – Details of the tendering and procurement process*

At the close of the public tender process on 7<sup>th</sup> February, Council received four (4) conforming submissions from the following companies:

- Complex Civil Infrastructure
- Koppens Developments Pty Ltd
- M&J Arthur Pty Ltd
- SNG Constructions Pty Ltd

A value-based assessment was undertaken for the tender by:

- Daniel Harrington – Senior Project Engineer (TSIRC)
- Michael Lancini – Senior Engineer (MAL Engineers Pty Ltd)
- Shaun Sclipa – Engineer (MAL Engineers Pty Ltd)

The tender assessment was completed in accordance with the predefined tender evaluation criteria weighting as per the table below.

Criteria	Weighting
Value for Money	50%
Relevant Company Experience	15%
Methodology & Program	15%
QA, Environmental Management Plan and WH&S	10%
Financial (Past Projects)	5%
Local Employment and Training Opportunities	5%

*Table 2: Evaluation Criteria*

At the completion of the assessment, the evaluation panel considered the Tender from M&J Arthur Pty Ltd as the best value for money submission. M&J Arthur recent experience on similar water and wastewater projects in the Torres Strait region favourably addressed the requirements of the project.

**Indigenous Economic Opportunities Plan (IEOP):**

This tender value results in the following Indigenous Economic Opportunities.

Core Requirement	Requirement	M&J Proposal	Arthur
Apprentice/Trainees (new entrants)	687hrs	1,145hrs	
Other Workforce	458hrs	0hrs	
Total Deemed Hours	1,145hrs	1,145hrs	
Local Indigenous Business Supply and/or Subcontractors	\$57,253.00	\$60,000.00	

*Table 3: Indigenous Economic Opportunities*

**Considerations:**

Risk Management

Schedule risk - delaying Council Resolution at the 2022 March Council Ordinary Meeting will directly impact the commissioning schedule.

Council Finance

The project is fully funded by ICCIP.

**Consultation:**

- Councillors as appropriate
- TSIRC Engineering Management
- Funding body
- External Consultants

**Statutory Requirements:**

*Local Government Act 2009*

*Local Government Regulation 2012*

**Conclusion**

Based on the Tender Assessment, it is recommended that Council:

- Award the Works for Alternate Tender No. TSIRC 2021-358 – ICCIP Project #21 – Dauan Island Water Main, WTP & Well Upgrades to M&J Arthur Pty Ltd for an amount of up to \$2,897,000.00 excl. GST;
- 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 and contract including without limitation any options and/or variations as per Council's procurement and ethical sourcing policy.



**Author:**

Daniel Harrington  
Senior Project Engineer



**Reviewed:**

Peter Price  
Acting Manager, Capital Works



**Recommended:**

David Baldwin  
Executive Director – Engineering Services



**Approved**

James William  
Chief Executive Officer



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT

<b>ORDINARY MEETING:</b>	March 2022
<b>DATE:</b>	23 & 24 March 2022
<b>ITEM:</b>	Agenda Item for Resolution by Council
<b>SUBJECT:</b>	Award Contract TSIRC2022-361, Coastal Hazard Adaptation Strategy,
<b>AUTHOR:</b>	<b>Jarrah Doran-Smith – Waste and Sustainability Engineer</b>

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### Recommendation:

Council resolves to

- Award contract TSIRC 2022-361 - Coastal Hazard Adaptation Strategy Phase 6-8 to Alluvium Consulting Australia Pty Ltd, for the amount of \$245,030.00 excluding GST;  
and
- Delegate authority to the Chief Executive Officer, pursuant to section 257 of the *Local Government Act 2009*:
  - power to make, amend or discharge contract TSIRC 2022-361 – Coastal Hazard Adaptation Strategy Phase 6-8;
  - 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 as per Council's procurement policy and ethical sourcing policy.

### Purpose:

The purpose of this Agenda Report is to provide Council with a recommendation to award the contract TSIRC 2022-361 to engage Alluvium Consulting Australia Pty Ltd (Alluvium) to complete the remaining Phases (Phases 6-8) of the Coastal Hazard Adaptation Strategy (CHAS). This report also provides an update on the progress of Council's CHAS, the output of the Queensland Government's QCoast2100 program.

### Background:

QCoast2100 is a one-off funding program administered by the Local Government Association of Queensland (LGAQ). It is designed to assist coastal Councils in making decisions regarding long-term management and response to the coastal hazards facing their communities, through development of a CHAS.

Council has completed Phases 1-5 of the CHAS and a funding application has been approved by the Local Government Association of Queensland (who are administering the project on behalf of the

State) for the completion of CHAS Phases 6-8. It is now proposed to engage Alluvium, to carry out the work.

Council has commenced preliminary discussions with Torres Strait Regional Authority (TSRA), Torres Shire Council (TSC) and LGAQ on the possibility of undertaking data and knowledge sharing Phases 6-8 in collaboration, however the CHAS TSIRC component will be managed by TSIRC and will be stand-alone.

Phases completed so far:

- Phase 1 – Plan for life-of-project stakeholder communication and engagement
- Phase 2 – Scope and map coastal hazard issues for the area of interest
- Phase 3 – Identify areas exposed to current and future coastal hazards
- Phase 4 – Identified and map key assets potentially impacted by coastal hazards
- Phase 5 – Risk assessment of key assets in coastal hazard areas

The CHAS has provided a detailed modelling of the impacts of coastal hazards, including coastal erosion, tidal inundation, and storm tide inundation at three different planning horizons (Present, 2050 and 2100). Council assets that are predicted to be impacted have been considered and a complete cost analysis has been provided.

GIS mapping has been provided which shows all the modelled coastal hazard impact areas overlayed with Council's assets across all divisions. This shows detailed extent of predicted damages and their associated costs.

The funding application to LGAQ for additional \$245,030 to complete CHAS Phases 6-8 was successful.

Phases 6-8 include:

- Phase 6 – Identify potential adaptation actions
- Phase 7 – Socio-economic appraisal of adaptation options
- Phase 8 – Strategy development, implementation, and review

Council has received the funding sub-agreement from LGAQ and seek Council approval to engage Alluvium to complete these remaining 6, 7 & 8 Phases.

## **Funding**

Council has been successful in its application for \$245,025 (excl. GST) under the Coastal Hazard Adaptation Program (QCoast2100) for TSIRC – Phases 6, 7 & 8 of CHAS as detailed within Council's proposal dated 5 November 2021.

The Parties entered into a Head Funding Deed of Agreement ('Head Agreement') dated 12 December 2017. The Head Agreement provides the standard terms and conditions on which this offer of Approved Funding is made.

The Sub-agreement records the details of the Approved Project and Approved Funding together with the requirements and Special Conditions under which the Approved Funding is offered by the LGAQ to Council.

## **Procurement Decision**

In accordance with Council's Procurement and Ethical Sourcing Policy, a quotation process was undertaken to select Alluvium for the development of CHAS Phases 6-8. Alluvium is a supplier on a Local Buy arrangement (pre-qualified), and as per section 234 of the *Local Government Regulation*



2012, it is not necessary to conduct a public tender process when the contract is entered into under a Local Buy arrangement.

In addition to Alluvium being a Local Buy supplier, they have successfully completed Phases 4 & 5 of the TSIRC CHAS to a high-quality standard and are therefore considered the preferred supplier to ensure ongoing continuity of the CHAS program. By selecting Alluvium for the final Phases of the CHAS, there is an expectation to achieve considerable cost savings as Alluvium has significant background information and a thorough understanding of the Torres Strait region and Council processes.

Alluvium has a strong regional presence and are ready to assist with commercially robust rates and terms and conditions of contract, as per the requirement for Local Buy arrangements. Alluvium has worked closely with other indigenous Councils, including Northern Peninsular Area Regional Council and Yarrabah Aboriginal Shire Council.

Alluvium takes a leading practice approach to the delivery of the CHAS technical and engagement work. Their team bring extensive experience in all aspects of the CHAS process. They specialise in coastal hazard and adaptation assessments, drawing on local (QLD), national and international experience of the team members. They enjoy working in partnership with Councils to get the best value for each Council from the CHAS process. They actively consult with State Government and LGAQ throughout the process to ensure smooth delivery and sign off for each stage. Considering all of this, it is recommended to engage Alluvium at the cost of \$245,030 for the completion of the TSIRC CHAS Phases 6-8.

#### Projected Project Milestones

Table 5 below summarises the delivery milestones for this project, based on the Program submitted by Alluvium.

Milestone	Description	Forecast Completion Date
Council resolution	Council resolution	March 2022
Letter of award issued	Letter of award issued	March 2022
Commencement	Commencement & Vox Pops	March 2022
Phase 6	Final Phase 6 Report	April 2022
Phase 7	Final Phase 7 Report	June 2022
Phase 8	Final Phase 8 Report	November 2022

## **Considerations**

### Risk Management

**Financial risk:** Variation to contract. The works will be monitored closely, and scope adjusted to ensure no deficiency is incurred by Council. A funding application was submitted to LGAQ for Phases 6-8 and letter advising of successful application has been distributed the Council Mayor and CEO.

**Technical risk:** Inaccurate modelling and risk mapping. Modelling is undertaken using the most accurate baseline information available, however inaccuracies in data and modelling methods do

occur. The technical aspects of this project are undertaken by the Consultant, and reviewed by Council engineering officers, and the funding body (LGAQ) experts. It is understood that as more accurate information or modelling methodologies become available, hazard extents may require revisiting in the future.

**Participation risk:** Disharmony among internal and external stakeholders in decision-making. In CHAS development, there is a risk that solutions for adaptation may not find support across all stakeholders. The Stakeholder Communication and Engagement Plan (developed in Phase 1) is designed to mitigate this risk, and it is intended that this is to be updated under the works proposed in Phases 6-8.

**Reputational and political risk:** Not undertaking long-term investigation and planning leaves Council, its assets and communities, highly vulnerable to both the current and future impacts of coastal hazards.

#### Council Finance

CHAS Phases are currently funded under the QCoast2100 program, administered by LGAQ. For these Phases, Council is required to provide a 1% contribution to the total funding amount required. For Phases 6-8 Council's co-contribution is to the value of \$2,450.30.

#### **Consultation:**

Consultation throughout the CHAS process is governed by the work undertaken in Phase 1: Stakeholder Communication and Engagement Plan. Delivery of this consultation for Phase 3 was initially affected by restrictions due to the COVID-19 pandemic, however workarounds have been applied where required.

Initial consultation (via video conference) was conducted with Councillors available during the week of 8-12 June 2020, which provided extremely valuable insights into community values and key areas of risk, and this has informed the direction of future CHAS phases.

#### **Links to Strategic Plans:**

The TSIRC CHAS aims to provide a long-term planning tool for coastal hazard impact management. The CHAS looks at the potential hazard impacts and adaptation methods over three different planning horizons (present, 2050 and 2100). The CHAS aligns perfectly with the Strategic Pillars – People, Sustainability and Prosperity outlined in the 2020-2025 Corporate Plan (Bisnis Plan).

#### **Statutory Requirements:**

*Local Government Act 2009*

*Local Government Regulation 2012*

#### **Conclusion:**

It is recommended that Council resolves to:

Award Contract TSIRC 2022-361 to Alluvium for the Coastal Hazard Adaptation Strategy Phase 6-8, and delegate authority to the Chief Executive Officer to finalise and execute any and all matters associated with or in relation to this project and contract.



**Author:**

Jarrah Doran-Smith  
Waste and Sustainability Engineer



**Reviewed:**

Peter Price  
Acting Manager, Capital Works



**Recommended:**

David Baldwin  
Executive Director – Engineering Services



**Approved:**

James William  
Chief Executive Officer



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT

<b>ORDINARY MEETING:</b>	March 2022
<b>DATE:</b>	22-23 March 2022
<b>ITEM:</b>	Agenda Item for Resolution by Council
<b>SUBJECT:</b>	Audit Committee Membership Renewal
<b>AUTHOR:</b>	Hollie Faithfull, Executive Director Financial Services

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### **Recommendation:**

That Council resolves to renew the services of Mr Paul Shipperley as an external independent member of the Torres Strait Island Regional Council Audit Committee until 31 December 2022.

### **Executive Summary:**

In line with Council's Audit Committee Procedure PO1-PR1 management seek formal renewal of the appointment of Mr Paul Shipperley as an external independent member of the TSIRC Audit Committee.

### **Background:**

At the December 2019 Ordinary Council Meeting, Council resolved to renew Mr Shipperley Audit Committee membership for a period of two years ending 9 December 2021.

Mr Shipperley was first appointed as member of Council's Audit Committee in 2015 and has served for seven years.

Per Council's Audit Committee Procedure PO1-PR1, the Audit Committee is appointed by Council and will comprise the following members each with full voting rights:

- a) At least three (3) members, but no more than six (6) of which:
  - i) two (2), but no more than two (2) members must be elected Councillors of Torres Strait Island Regional Council;
  - ii) at least one (1) member must hold significant experience and skills in financial matters and may be an external and qualified professional.
  - iii) two (2) proxies for the two (2) members who are elected Councillors of Torres Strait Island Regional Council may be appointed. The two (2) proxies so appointed must be elected Councillors of Torres Strait Island Regional Council.
- b) An external independent chairperson is to be elected for the Audit Committee from the appointed external members.
- c) Any external appointee must be, and be seen to be, at arm's length to Councillors and Executive Management. The external appointees shall have full voting rights and their terms of appointment shall be determined by Council from time to time.

**Comments:****Achievements of Audit Committee Members**

Management considers the Audit Committee achievements over the past years, attributable to the whole of the Audit Committee, to include:

- Improved the emphasis on performance, transparency & governance within Council;
- Sound working relationship with Council's Executive Management, Queensland Audit Office & External Auditor;
- Continued oversight of financial reporting and progress monitoring of internal and external audit action items;
- Value add involvement in Council's risk management process and monitoring

**Candidate Suitability**

The perceived benefits brought to the Committee by Mr Shipperley include:

- Understanding of Council's unique challenges & issues as the current Audit Committee external member;
- In depth knowledge of Local Government Audit Committee governance as Chair of Brisbane City Council Audit Committee for more than 5 years.
- Substantial audit & governance experience as the Assistant Auditor General (Financial Audit) with Queensland Audit Office;
- Former advisor to Federal Government, Queensland Treasury and Queensland Rail;
- Experience as the former engagement leader for many local government audits including Brisbane City Council, Gold Coast City Council, Logan City Council, as well as the Queensland Reconstruction Authority

Council Officers have undertaken a review of the market and examined hourly rates. Based on value for money and continuity of knowledge it is recommended that Mr Shipperley is renewed until 31 December 2022.

**Consultation:**

- Audit Committee
- Executive Team

**Considerations:*****Council Finance***

Budgeted \$25,000 per annum for two professional Audit Committee members.

***Risk Management***

Failure to have suitably qualified and experienced professional membership on Council's Audit Committee reduces fiscal oversight and integrity.

**Links to Strategic Plans:**

This report strategically aligns to specific delivery objectives under all pillars of Council's Corporate Plan.

**Statutory Requirements:**

*Local Government Act 2009*

*Local Government Regulation 2012*

**Conclusion:**

That Council resolves to renew the services of Mr Paul Shipperley as an external independent member of the Torres Strait Island Regional Council Audit Committee until 31 December 2022.



**Recommended**

Hollie Faithfull

Executive Director Financial Services



**Approved:**

James William

Chief Executive Officer



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT **LATE**

**ORDINARY MEETING:** March 2022

**DATE:** 22 March 2022

**ITEM:** Agenda Item for Resolution by Council

**SUBJECT:** Local Thriving Communities - Joint Coordinating Committee – TSIRC recommendation of a community representative member.

**AUTHOR:**

---

### **Recommendation:**

Council resolves to recommend the appointment of (Name) as a community representative member to the new Joint Coordinating Committee

### **Executive Summary:**

The Local Thriving Communities (LTC) is a project of the Queensland Government to enhance service delivery and economic development to the State's 19 remote and discrete Aboriginal and Torres Strait Islander communities. It is part of the Queensland Government response to the Queensland Productivity Commission Inquiry into service delivery in remote and discrete Aboriginal and Torres Strait Islander communities in 2016. (See Attachments)

The role of the LTC is to provide advice and guidance from each community about how the decision-making bodies should work for their unique needs, and what needs to happen to establish them.

The Joint Coordinating Committee (JCC) was established in April 2019 and provides advice about co-design and implementation of the LTC reform.

The JCC is a key governance mechanism driving the reform process and oversees the design and implementation across all participating communities to ensure their voices are heard.

The JCC meets between four and six times a year and includes membership from government (local, state and federal) and Aboriginal and Torres Strait Islander communities. Where possible, meetings will be held in communities.

Councillors are not eligible for membership of the JCC.

JCC members are paid sitting fees and reimbursement of out-of-pocket expenses under the Queensland Government Remuneration Procedure

### **Background:**

Mayor Mosby and then Acting CEO David Baldwin met with Director General of DATSIP Dr Chris Sarra on 12 November 2021 in Cairns. At that meeting, there was a presentation about the LTC and how it was achieving its goals.

On the 1 February 2022, an email was sent to the Mayor and Acting CEO advising of a vacancy on the JCC requesting that TSIRC nominate a community member for JCC membership. (See Attachment)

**Comment:**

The Council is requested to put forward a nominee for membership of the JCC.

The selection criteria for membership are on the following page of this report.

**Considerations**Risk Management

Nil

Council Finance

N/A

**Consultation:**

DSDSATSIP

**Links to Strategic Plans:**

N/A

**Statutory Requirements:**

*Local Government Act 2009*

*Local Government Regulation 2012*

**Conclusion:**

As presented.

**Endorsed:**

Peter Krebs

Manager Legal Services



James William

Chief Executive Officer

**Recommended:**

Megan Barrett

Executive Director Corporate Services





# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT

<b>ORDINARY MEETING:</b>	March 2022
<b>DATE:</b>	22–23 March 2022
<b>ITEM:</b>	Agenda Item for Resolution by Council
<b>SUBJECT:</b>	Cultural Heritage Act review
<b>AUTHOR:</b>	Peter Krebs

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### **Recommendation:**

Council resolves to confirm support for the following proposal to the Aboriginal and Torres Strait Islander Cultural Heritage Act 2003 as outlined in the Options paper of December 2021 and recommends endorsement at Councils March 2022 Ordinary meeting.

and

Recommends that Council provide written submissions to the Department confirming council support of the proposal and Councils continuing involvement in the process so as to further protect customary law.

### **Executive Summary:**

The Queensland Government through the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships commenced a review of both the Aboriginal and Torres Strait Islander Cultural Heritage Act in 2019. As part of the review, TSIRC made a submission (see attached).

The Queensland Government after consideration of submissions is now finalising the review and has circulated an options paper (see attached) seeking feedback on 3 key areas.

Feedback is to be provided by 31 March 2022.

The matter has been brought to this committee for discussion and review of the attached options paper with the purpose to provide feedback to the Department on whether TSIRC supports the 9 proposals.

### **Background:**

The proposals in the option paper focus on three key areas:

1. Providing opportunities to improve cultural heritage protection through increased consultation with Aboriginal and Torres Strait Islander peoples, recognising intangible cultural heritage, and strengthening compliance mechanisms.
2. Reframing the definitions of 'Aboriginal party' and 'Torres Strait Islander party' so that people who have a connection to an area under Aboriginal tradition or Ailan Kastom have an opportunity to be involved in cultural heritage management and protection.

3. promoting leadership by First Nations peoples in cultural heritage management and decision making.

**Comment:**

The following options have been put forward with page reference in option paper:

- Proposal 1 (page 11) Replace the current Duty of Care guidelines with a new framework that requires greater engagement, consultation and agreement making with the Aboriginal party or Torres Strait Islander party to protect Cultural Heritage.
- Proposal 2 (page 14) Integrate Cultural Heritage protection and mapping into land planning to enable identification of cultural heritage at an early stage and consideration of its protection.
- Proposal 3 (page 14) Amend the Cultural Heritage Acts to expressly recognise intangible elements of cultural heritage.
- Proposal 4 (page 15) Provide a mechanism to resolve and deal with issues arising under the Cultural Heritage Acts.
- Proposal 5 (page 15) Require mandatory reporting of compliance to capture data and support auditing of the system.
- Proposal 6 (page 16) Provide for greater capacity to monitor and enforce compliance.
- Proposal 7 (page 20) Reframe the definitions of 'Aboriginal party' and 'Torres Strait Islander party' so that people who have a connection to an area under Aboriginal tradition or Alian Kastom have an opportunity to be involved in cultural heritage management and protection.
- Proposal 8 (page 26) Establish a First Nations-led entity with responsibilities for managing and protecting cultural heritage in Queensland. The entity could work with existing and future local Aboriginal and Torres Strait Islander groups who manage cultural heritage matters within their respective areas.
- Proposal 9 (page 28) The First Nations Independent decision-making entity in partnership with Aboriginal and Torres Strait Islander peoples, explores the most culturally appropriate approaches for recognising historical connection to an area for the purposes of cultural heritage management.

If the proposals are accepted, then the Act will be changed to incorporate the proposals.

The Committee is requested to provide its thoughts on the 9 Proposals and any recommendations regarding the issues involved.

**Considerations**  
Risk Management

No identifiable risks

Council Finance

Nil cost

**Consultation:**

- Culture, Arts, Land and Heritage Standing Committee (25 February 2022)

**Links to Strategic Plans:**

Outline the link to pillars in Corporate Plan and objectives in Operational Plan if applicable.

**Statutory Requirements:**

*Local Government Act 2009*

*Local Government Regulation 2012*

*Torres Strait Islander Cultural Heritage Act 2003*

Other legislation as relevant

**Conclusion:**

Following the Culture, Arts, Heritage and Land Committee's review and confirmation of the above recommendation, a report and resolution will be presented to full Council at the March 20221 Ordinary Meeting for endorsement.



**Endorsed:**

Peter Krebs  
Manager Legal Services



**Approved:**

James William  
Chief Executive Officer



**Recommended:**

Megan Barrett  
Executive Director Corporate Services



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## CULTURE, ARTS, HERITAGE AND LAND COMMITTEE REPORT

<b>COMMITTEE MEETING:</b>	February 2022
<b>DATE:</b>	25 February 2022
<b>ITEM:</b>	Agenda Item for Culture, Arts, Heritage and Land Committee
<b>SUBJECT:</b>	Cultural Heritage Act review
<b>AUTHOR:</b>	Peter Krebs

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### **Recommendation:**

That the Culture, Arts, Heritage and Land Committee confirms support for the following proposal to the Aboriginal and Torres Strait Islander Cultural Heritage Act 2003 as outlined in the Options paper of December 2021 and recommends endorsement at Councils March 2022 Ordinary meeting.

and

Recommends that Council provide written submissions to the Department confirming council support of the proposal.

### **Executive Summary:**

The Queensland Government through the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships commenced a review of both the Aboriginal and Torres Strait Islander Cultural Heritage Act in 2019. As part of the review, TSIRC made a submission (see attached).

The Queensland Government after consideration of submissions is now finalising the review and has circulated an options paper (see attached) seeking feedback on 3 key areas.

Feedback is to be provided by 31 March 2022.

The matter has been brought to this committee for discussion and review of the attached options paper with the purpose to provide feedback to the Department on whether TSIRC supports the 9 proposals.

### **Background:**

The proposals in the option paper focus on three key areas:

1. Providing opportunities to improve cultural heritage protection through increased consultation with Aboriginal and Torres Strait Islander peoples, recognising intangible cultural heritage, and strengthening compliance mechanisms.
2. Reframing the definitions of 'Aboriginal party' and 'Torres Strait Islander party' so that people who have a connection to an area under Aboriginal tradition or Ailan Kastom have an opportunity to be involved in cultural heritage management and protection.

3. promoting leadership by First Nations peoples in cultural heritage management and decision making.

**Comment:**

The following options have been put forward with page reference in option paper:

Proposal 1 (page 11) Replace the current Duty of Care guidelines with a new framework that requires greater engagement, consultation and agreement making with the Aboriginal party or Torres Strait Islander party to protect Cultural Heritage.

Proposal 2 (page 14) Integrate Cultural Heritage protection and mapping into land planning to enable identification of cultural heritage at an early stage and consideration of its protection.

Proposal 3 (page 14) Amend the Cultural Heritage Acts to expressly recognise intangible elements of cultural heritage.

Proposal 4 (page 15) Provide a mechanism to resolve and deal with issues arising under the Cultural Heritage Acts.

Proposal 5 (page 15) Require mandatory reporting of compliance to capture data and support auditing of the system.

Proposal 6 (page 16) Provide for greater capacity to monitor and enforce compliance.

Proposal 7 (page 20) Reframe the definitions of 'Aboriginal party' and 'Torres Strait Islander party' so that people who have a connection to an area under Aboriginal tradition or Alian Kastom have an opportunity to be involved in cultural heritage management and protection.

Proposal 8 (page 26) Establish a First Nations-led entity with responsibilities for managing and protecting cultural heritage in Queensland. The entity could work with existing and future local Aboriginal and Torres Strait Islander groups who manage cultural heritage matters within their respective areas.

Proposal 9 (page 28) The First Nations Independent decision-making entity in partnership with Aboriginal and Torres Strait Islander peoples, explores the most culturally appropriate approaches for recognising historical connection to an area for the purposes of cultural heritage management.

If the proposals are accepted, then the Act will be changed to incorporate the proposals.

The Committee is requested to provide its thoughts on the 9 Proposals and any recommendations regarding the issues involved.

**Considerations**  
Risk Management

No identifiable risks

Council Finance

Nil cost

**Consultation:**

**Links to Strategic Plans:**

Outline the link to pillars in Corporate Plan and objectives in Operational Plan if applicable.

**Statutory Requirements:**

*Local Government Act 2009*

*Local Government Regulation 2012*

*Torres Strait Islander Cultural Heritage Act 2003*

Other legislation as relevant

**Conclusion:**

Following the Culture, Arts, Heritage and Land Committee's review and confirmation of the above recommendation, a report and resolution will be presented to full Council at the March 20221 Ordinary Meeting for endorsement.



**Endorsed:**  
Peter Krebs  
Manager Legal Services

**Recommended:**  
Megan Barrett  
Executive Director Corporate Services

Hollie Faithfull  
Acting Chief Executive Officer



# TORRES STRAIT ISLAND REGIONAL COUNCIL

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p: (07) 4048 6009 f: (07) 4069 1692 e: records@tsirc.qld.gov.au

PO Box 7336 Cairns QLD 4870

ABN 15 292 645 165

Our Ref:

BY EMAIL: [CHA\\_review@atsip.qld.gov.au](mailto:CHA_review@atsip.qld.gov.au)

25 July 2019

CHA Review

Department of Aboriginal and Torres Strait Islander Partnerships

PO Box 15397

CITY EAST QLD 4002

## **RE: Feedback – Review of the Cultural Heritage Acts**

I refer to the consultation paper regarding the review of the Cultural Heritage Acts in which submissions on issues relating to the Cultural Heritage Act are sought.

The Torres Strait Island Regional Council (TSIRC), is one of two local councils found in the Torres Straits. The Torres Strait Islands are scattered between the tip of Cape York Peninsula and Papua New Guinea across 42,000 square kilometres of sea.

TSIRC represents the 15 outer island communities of Badu, Boigu, Dauan, Erub (Darnley Island), Kirirri (Hammond Island), Iama (Yam Island), Kubin Community at Moa (Banks Island), Mabuiag, Masig (Yorke Island), Mer (Murray Island), Poruma (Coconut Island), Saibai, St Pauls Community at Moa (Banks Island), Ugar (Stephen Island), and Warraber (Sue Island).

Almost all of the island communities above have determinations of exclusive native title and TSIRC holds the Deed of Grant in Trust for 13 of the island communities.

Council was formed in 2008, as part of the State Government's amalgamation policy, as an entirely new local council governed under the *Local Government Act* (Qld). Prior to this, the area was under the jurisdiction of the *Community Services (Torres Strait) Act* (Qld) and each community above had its own independent Island Council.

As the local government body, TSIRC has a central role in approving development activities, and indeed is the proponent for most of the essential services that the Island communities need to survive. In performing these functions, TSIRC is keenly aware of its obligations regarding Torres Strait Islander Cultural Heritage.

In carrying out its functions, TSIRC is heavily dependent on outside contractors from the mainland to provide the necessary services to the community. As such, TSIRC has an obligation to ensure that contractors abide by the requirements of the *Torres Strait Islander Cultural Heritage Act* and Ailan Kastom.



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PO Box 7336 Cairns QLD 4870  
ABN 15 292 645 165

In reviewing the *Torres Strait Islander Cultural Heritage Act 2003*, the first major issue for TSIRC is that there are no Duty of Care Guidelines gazetted by the Minister as per Section 28 of the Act. I note that Duty of Care guidelines were gazetted by the Minister for the Aboriginal Cultural Heritage Act on 16 April 2004, but none were gazetted under the Torres Strait Islander Cultural Heritage Act.

You would appreciate that the Torres Strait Region is markedly different in both culture and cultural heritage from Aboriginal culture and cultural heritage on the mainland.

TSIRC therefore recommends that the Minister pursuant to Section 28 (2) of the Torres Strait Islander Cultural Heritage Act undertakes a consultation with the nominated Torres Strait Islander groups, industry groups, local government and other persons whom the Minister would consider appropriate. In this category I would advise the Minister to also consult with the Torres Strait Regional Authority.

After such consultations, it is submitted that the Minister by gazette notice notify of the duty of care guidelines as per Section 28(1).

These guidelines would assist TSIRC in providing guidance to its contractors and employees of their obligations under the Act to protect the unique and diverse cultural heritage of Torres Strait Islanders.

It would be greatly appreciated if these submissions could be taken into consideration and I look forward to your reply on this matter.

If you have any further questions, please contact Peter Krebs our Legal Manager on (07) 4034 5772 or email: [peter.krebs@tsirc.qld.gov.au](mailto:peter.krebs@tsirc.qld.gov.au).

Yours faithfully

**Cr. Fred Gela**

Mayor  
Torres Strait Island Regional Council



# Options paper

Finalising the review  
of Queensland's  
Cultural Heritage Acts

December 2021



## Acknowledgement

We pay our respects to the Aboriginal peoples and Torres Strait Islander peoples of this land, their spirits and their legacy. The foundations laid by these ancestors — the First Australians — give strength, inspiration and courage to current and future generations towards creating a better Queensland.

We recognise it is our collective efforts and responsibility as individuals, communities and governments to ensure equality, recognition and advancement of Aboriginal and Torres Strait Islander Queenslanders across all aspects of society and everyday life.

We are committed to working with, representing, advocating for and promoting the needs of Aboriginal and Torres Strait Islander Queenslanders with unwavering determination, passion and persistence.

As we reflect on the past and give hope for the future, we walk together on our shared journey of reconciliation where all Queenslanders are equal and the diversity of Aboriginal and Torres Strait Islander cultures and communities across Queensland is fully recognised, respected and valued by all Queenslanders.

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# 1. Finalising the review

## 1.1 Our commitment

The Queensland Government is committed to finalising the review of the *Aboriginal Cultural Heritage Act 2003* and *Torres Strait Islander Cultural Heritage Act 2003* to ensure these Acts continue to protect and conserve Queensland's Aboriginal and Torres Strait Islander cultural heritage, while facilitating business and development activity.

The review began in 2019 but was paused in 2020 because of the COVID-19 pandemic. Consultation on the proposals in this options paper is a key step in its finalisation.

Building on the earlier consultation and analysis, the review is examining whether the Cultural Heritage Acts:

- are still operating as intended
- are achieving intended outcomes for Aboriginal and Torres Strait Islander peoples and other stakeholders in Queensland
- align with the Queensland Government's broader objective to reframe the relationship with Aboriginal and Torres Strait Islander peoples
- are consistent with the current native title landscape
- comply with contemporary drafting standards.

## 1.2 Guiding principles

This final stage of the review continues to be guided by the *Statement of Commitment to reframe the relationship between Aboriginal and Torres Strait Islander peoples and the Queensland Government*<sup>1</sup> and the guiding principles for building a reframed relationship, including self-determination; locally led decision making; shared commitment, shared responsibility and shared accountability; empowerment; and free, prior and informed consent.

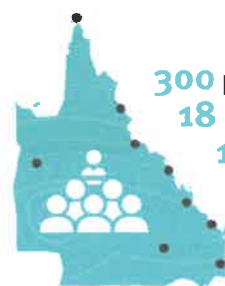
<sup>1</sup> See: [www.dsdsatsip.qld.gov.au/our-work/aboriginal-torres-strait-islander-partnerships/reconciliation-tracks-treaty/tracks-treaty/statement-commitment](http://www.dsdsatsip.qld.gov.au/our-work/aboriginal-torres-strait-islander-partnerships/reconciliation-tracks-treaty/tracks-treaty/statement-commitment)

<sup>2</sup> Submissions are published at: [www.dsdsatsip.qld.gov.au/our-work/aboriginal-torres-strait-islander-partnerships/culture/aboriginal-torres-strait-islander-cultural-heritage](http://www.dsdsatsip.qld.gov.au/our-work/aboriginal-torres-strait-islander-partnerships/culture/aboriginal-torres-strait-islander-cultural-heritage)

## 1.3 The review so far

Extensive consultation was undertaken across Queensland and stakeholders provided a wide range of feedback before the review was paused.

### May to July 2019 — statewide consultation



**300** participants attended **18 forums** and a further **150** participants attended **22** stakeholder meetings.



**70** written **submissions**<sup>2</sup> were made by Traditional Owners, land users, peak bodies, local councils, Queensland Government departments, and individuals.

### January 2020 — targeted consultation



The **70** stakeholders who made submissions were consulted on **options** for **legislative reforms**.

### March 2020 — pause

**ON HOLD**

The review was **paused** because of the pandemic.

## 1.4 Snapshot of feedback from 2019 and 2020

The following table summarises feedback from consultation in earlier stages of the review:

Themes	Feedback
<b>Ownership and defining cultural heritage</b>	<ul style="list-style-type: none"> <li>Traditional Owners called for recognition of ‘intangible heritage’ — mainly discussed in terms of cultural landscapes, e.g. pathways, storylines.</li> <li>Proponents raised concerns that including intangible heritage would create uncertainty in land use processes.</li> </ul>
<b>Identifying who to consult</b>	<ul style="list-style-type: none"> <li>Traditional Owners called for: <ul style="list-style-type: none"> <li>authenticity in speaking for country (‘right people for right country’)</li> <li>assistance in meeting their obligations as custodians of their cultural heritage.</li> </ul> </li> <li>Proponents wanted certainty and raised concerns about consulting with multiple parties.</li> </ul>
<b>Land user obligations</b>	<ul style="list-style-type: none"> <li>Traditional Owners called for: <ul style="list-style-type: none"> <li>early, respectful engagement with industry and government</li> <li>more requirements for mandatory consultation/engagement.</li> </ul> </li> <li>Proponents did not support an increase in mandatory consultation; they argued for proactive planning, e.g. by state or local government.</li> <li>Traditional Owners and proponents indicated they would welcome dispute resolution options.</li> </ul>
<b>Compliance mechanisms</b>	<ul style="list-style-type: none"> <li>Traditional Owners: <ul style="list-style-type: none"> <li>held a strong view that legislation/guidelines were a ‘toothless tiger’, with too much reliance on industry and government to ‘do the right thing’</li> <li>called for active government presence in investigation/enforcement of cultural heritage compliance requirements.</li> </ul> </li> <li>Proponents argued that education and awareness raising were mainly needed to enhance compliance.</li> </ul>
<b>Recording cultural heritage</b>	<ul style="list-style-type: none"> <li>Traditional Owners and proponents: <ul style="list-style-type: none"> <li>questioned the effectiveness of the cultural heritage database and noted examples of stakeholders creating their own databases</li> <li>recognised the value of formal cultural heritage studies (under Part 6 of the Cultural Heritage Acts) but noted the lack of incentives or resources to undertake these.</li> </ul> </li> </ul>
<b>Engagement and innovation</b>	<ul style="list-style-type: none"> <li>There were calls for: <ul style="list-style-type: none"> <li>opportunities for capacity and capability building to be provided</li> <li>effective, coordinated engagement with regional stakeholders.</li> </ul> </li> </ul>



## 1.5 Recent national, state and territory developments

The review of the Cultural Heritage Acts is being finalised at a time of significant reform and change in Aboriginal and Torres Strait Islander cultural heritage regulation at the Commonwealth, state and territory levels. Its finalisation is also taking place in the broader context of the Queensland Government's commitment to building a reframed relationship with Aboriginal and Torres Strait Islander Queenslanders.

Reforms and events that have informed the development of proposals and options in this paper include:

- ***A way forward: final report into the destruction of Indigenous heritage sites at Juukan Gorge***<sup>3</sup>: The report of the Commonwealth Parliament's 'Inquiry into the destruction of 46,000 year-old caves at the Juukan Gorge in the Pilbara region of Western Australia' was released on 18 October 2021. It includes consideration of how Aboriginal and Torres Strait Islander cultural heritage laws might be improved to guarantee the protection of culturally and historically significant sites.
- **Cultural heritage protection frameworks in other Australian jurisdictions**: Existing frameworks were considered, as well as the Victorian Aboriginal Heritage Council's review of the *Aboriginal Heritage Act 2006* (Vic) and the Western Australian Government's review of the *Aboriginal Heritage Act 1972* (WA).
- ***Dhawura Ngilan: a vision for Aboriginal and Torres Strait Islander heritage in Australia which includes Best Practice Standards in Indigenous Cultural Heritage Management and Legislation***<sup>4</sup>: *Dhawura Ngilan* was developed by the Chairs of Australia's national, state and territory Indigenous heritage bodies, with support from peak organisations representing every major land council and native title body in Australia. Together, the vision and standards provide a roadmap for improving approaches to Aboriginal and Torres Strait Islander heritage management.
- **Queensland's Path to Treaty**<sup>5</sup>: The Queensland Government started the Path to Treaty conversation with all Queenslanders in 2019, with truth telling and healing at the heart of this dialogue. On 15 June 2021, the Queensland Government announced the establishment of a \$300 million Path to Treaty Fund as a major investment in reconciliation and healing. On 12 October 2021, the Treaty Advancement Committee delivered a report to government on options for progressing treaty making in Queensland. The government is currently considering this report.
- **Queensland's Human Rights Act 2019**: The Act protects the distinct cultural rights of Aboriginal peoples and Torres Strait Islander peoples (section 28). This section is modelled on article 27 of the International Covenant on Civil and Political Rights, and articles 8, 25, 29 and 31 of the United Nations Declaration on the Rights of Indigenous Peoples.

<sup>3</sup> See: [www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Northern\\_Australia/CavesatJuukanGorge/Report](http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Northern_Australia/CavesatJuukanGorge/Report)

<sup>4</sup> See: [www.environment.gov.au/heritage/publications/dhawura-ngilan-vision-atsi-heritage](http://www.environment.gov.au/heritage/publications/dhawura-ngilan-vision-atsi-heritage)

<sup>5</sup> See: [www.dsdsatsip.qld.gov.au/our-work/aboriginal-torres-strait-islander-partnerships/reconciliation-tracks-treaty/tracks-treaty/path-treaty/about-path-treaty](http://www.dsdsatsip.qld.gov.au/our-work/aboriginal-torres-strait-islander-partnerships/reconciliation-tracks-treaty/tracks-treaty/path-treaty/about-path-treaty)

Queensland's *Human Rights Act 2019* protects human rights in law.

Section 28 of the Act provides that Aboriginal peoples and Torres Strait Islander peoples in Queensland hold distinct cultural rights. These include the rights to practise their beliefs and teachings, use their languages, protect and develop their kinship ties, and maintain their relationship with the lands, seas and waterways.

The Act requires each arm of government to act compatibly with the human rights protected by the Act. This means that:

- **parliament** must consider human rights when proposing and scrutinising new laws
- **courts and tribunals**, so far as is possible to do so, must interpret legislation in a way that is compatible with human rights
- **public entities** such as state government departments, local councils, state schools, the police and non-government organisations and businesses performing a public function must act compatibly with human rights.

The Act applies from 1 January 2020 and to Acts and decisions made on or after that date; it is not retrospective. The Act makes it clear that rights can be limited, but only where it is reasonable and justifiable.

Further information on the *Human Rights Act 2019* can be found on the Queensland Human Rights Commission website at: [www.qhrc.qld.gov.au/your-rights/human-rights-law](http://www.qhrc.qld.gov.au/your-rights/human-rights-law)

## 1.6 Next steps: how to have your say

This options paper sets out proposals for reforms to the Cultural Heritage Acts based on consultation feedback to date and consideration of national, state and territory developments.

Most importantly, we want to hear from Queenslanders about the proposals.

There are several ways to provide feedback:

**Online:** Visit [www.qld.gov.au/CulturalHeritageActsReview](http://www.qld.gov.au/CulturalHeritageActsReview) to make a written submission or complete a survey.

**Email:** Email your submission or comments to [CHA\\_Review@dsdsatsip.qld.gov.au](mailto:CHA_Review@dsdsatsip.qld.gov.au)

**Post:** Mail your submission or comments to:  
Cultural Heritage Acts Review  
Department of Seniors, Disability Services and Aboriginal and Torres Strait  
Islander Partnerships  
PO Box 15397  
CITY EAST Qld 4002

Please provide your feedback by **31 March 2022**.

All submissions will be publicly available and published on the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships website.

### For enquiries

**Phone:** 1800 469 166

**Email:** [CHA\\_Review@dsdsatsip.qld.gov.au](mailto:CHA_Review@dsdsatsip.qld.gov.au)

## 2. Overview of proposals

### 2.1 Three key areas

The proposals in this options paper focus on three key areas:

1. **Providing opportunities to improve cultural heritage protection** through increased consultation with Aboriginal and Torres Strait Islander peoples, recognising intangible cultural heritage, and strengthening compliance mechanisms (see section 3 of this paper)
2. **Reframing the definitions of 'Aboriginal party' and 'Torres Strait Islander party'** so that people who have a connection to an area under Aboriginal tradition or Ailan Kastom have an opportunity to be involved in cultural heritage management and protection (see section 4 of this paper)
3. **Promoting leadership by First Nations peoples** in cultural heritage management and decision-making (see section 5 of this paper).

Proposals in key areas 1 and 2 build on the two options put forward in the options paper for the 2020 targeted consultation. These proposals take account of consultation feedback, as well as national, state and territory developments.

The proposal in key area 3 responds to feedback from the 2019 consultation, and a review of models and proposals in other jurisdictions which highlighted that First Nations peoples should have greater control over administrative, regulatory and decision-making structures for protecting cultural heritage.

### 2.2 Timeline for implementation

Depending on the outcomes of this consultation, preferred options would be subject to appropriate further government and budgetary considerations.

Any legislative reforms will consider the transitional arrangements needed to ensure continuity for existing arrangements and agreements, including Cultural Heritage Management Plans.



## 3. Providing opportunities to improve cultural heritage protection

### 3.1 Overview of current protection framework

The current protection framework in the Cultural Heritage Acts is based on:

- a duty of care that requires a land user to take all reasonable and practicable measures to avoid harm to cultural heritage
- agreement making between a land user and an Aboriginal party or a Torres Strait Islander party through a Cultural Heritage Management Plan or voluntary agreements under section 23 of the Cultural Heritage Acts.

A key part of this framework is the *Aboriginal Cultural Heritage Act 2003: Duty of Care Guidelines* which provide for an assessment of potential impact of a proposed activity on the cultural heritage values of an area based on the nature of the activity and the likelihood of it causing harm to Aboriginal cultural heritage. These categories are:

1. **Category 1:** Activities involving no surface disturbance
2. **Category 2:** Activities causing no additional surface disturbance
3. **Category 3:** Developed areas
4. **Category 4:** Areas previously subject to significant ground disturbance
5. **Category 5:** Activities causing additional surface disturbance.

Under the Duty of Care Guidelines, where an activity is proposed under category 5, there is generally a high risk it could harm Aboriginal cultural heritage. In these circumstances, the activity should not proceed without cultural heritage assessment. Where an activity is proposed under category 5, it is necessary to notify the Aboriginal party and seek advice about whether it will impact Aboriginal cultural heritage and, if it does, agree about how best the activity may be managed to avoid or minimise harm to any cultural heritage.

The Cultural Heritage Acts provide that a person who carries out an activity is taken to have complied with the cultural heritage duty of care if the person acts in compliance with the guidelines. Failure to comply with the guidelines is not an offence.

The Cultural Heritage Acts also provide other compliance mechanisms such as:

- emergency enforcement actions where there is harm or threat of harm to cultural heritage (e.g. Ministerial stop orders, Land Court injunctions, prosecutions, and penalties)
- a mandatory Cultural Heritage Management Plan where an environmental impact statement is needed
- a Cultural Heritage Management Plan where other environmental authority is needed
- establishment of a cultural heritage database that is intended to maintain information about cultural heritage and is used by land users as a research and planning tool or to assess the risk of their activity impacting cultural heritage.

The Cultural Heritage Acts define **cultural heritage** as anything that is:

- a significant Aboriginal or Torres Strait Islander area in Queensland; or
- a significant Aboriginal or Torres Strait Islander object; or
- evidence, of archaeological or historic significance, of Aboriginal or Torres Strait Islander occupation of an area of Queensland.

A **significant Aboriginal or Torres Strait Islander area** is defined as an area of particular significance to Aboriginal or Torres Strait Islander peoples because of either or both of the following:

- Aboriginal or Torres Strait Islander tradition — it is noted that under Schedule 1 of the *Acts Interpretation Act 1954*, **Aboriginal or Torres Strait Islander tradition** means the body of traditions, observances, customs and beliefs of Aboriginal or Torres Strait Islander peoples generally or of a particular community or group of Aboriginal or Torres Strait Islander peoples, and includes any such traditions, observances, customs and beliefs relating to particular persons, areas, objects or relationships
- the history, including contemporary history, of any Aboriginal or Torres Strait Islander party for the area.

### 3.2 Guiding information for development of proposals

The table below sets out information that has guided the development of proposals about improving cultural heritage protection.

Guidance	Details
<b>Consultation feedback</b>	<p>Feedback provided during previous stages of the review included the following:</p> <ul style="list-style-type: none"> <li>• Early consultation between land users and Aboriginal parties and Torres Strait Islander parties is an area where improvement is required. There was concern that the self-assessment framework resulted in many land use activities proceeding without any such consultation.</li> <li>• Greater oversight is required to monitor and report on compliance, including active monitoring of recorded cultural heritage.</li> <li>• Compliance officers could be introduced to audit compliance by land users, particularly in relation to self-assessment, and issue fines where appropriate.</li> <li>• There is a need for greater investment and presence by government in preventative compliance activities, including more education and awareness about the Cultural Heritage Acts, the guidelines and Aboriginal and Torres Strait Islander cultural heritage generally to move from a reactive system to a preventative one. Additional education and awareness raising would reduce the need for tougher compliance provisions.</li> <li>• Legislative reform should occur to facilitate more effective prosecution of offences committed under the Cultural Heritage Acts as well as stricter penalties for non-compliance.</li> <li>• Cultural heritage duty of care obligations should be integrated into planning legislation and government policy.</li> <li>• For heritage to be protected, it must first be identified, so the focus should be on preventative measures.</li> <li>• Greater protection of intangible cultural heritage is required.</li> </ul> <p style="text-align: right;">(continued)</p>

**Cultural heritage models in other parts of Australia**

At the Commonwealth level, cultural heritage is protected under numerous laws, including the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*. Under this Act, Aboriginal and Torres Strait Islander peoples can ask the Environment Minister to protect an area or object where it is under threat of injury or desecration and where state or territory law does not provide for effective protection.

The states and territories have a range of mechanisms for protecting cultural heritage, with the provision of penalties in legislation being the most common approach to obtaining compliance. The listing of places on databases and registers is also a key feature of state and territory cultural heritage legislation and is supported by stop work orders and enforcement provisions.

Victorian legislation and proposed legislation in Western Australia and New South Wales provide extensive provisions for mandatory due diligence assessments.

**Intangible cultural heritage**

Victoria is currently the only state in Australia that expressly refers to intangible cultural heritage in its legislation. The *Aboriginal Heritage Act 2006* (Vic) states:

*... Aboriginal intangible heritage means any knowledge of or expression of Aboriginal tradition, other than Aboriginal cultural heritage, and includes oral traditions, performing arts, stories, rituals, festivals, social practices, craft, visual arts, and environmental and ecological knowledge, but does not include anything that is widely known to the public. (section 79B)*

Victoria's framework also includes a registration process to assist in protecting intellectual property aspects of intangible cultural heritage.

The New South Wales draft *Aboriginal Cultural Heritage Bill 2018* has the following definition, which does not expressly name intangible cultural heritage, but contains several aspects of it:

*... Aboriginal cultural heritage is the living, traditional and historical practices, representations, expressions, beliefs, knowledge and skills (together with the associated environment, landscapes, places, objects, ancestral remains and materials) that Aboriginal people recognise as part of their cultural heritage and identity. (section 4[1])*

Western Australia's *Aboriginal Cultural Heritage Bill 2021* refers to intangible cultural heritage in its definition of Aboriginal cultural heritage. The Bill also recognises cultural landscapes as having both tangible and intangible elements.

(continued)

**Dhawura Ngilan  
(Vision and  
Best Practice  
Standards)**

The Best Practice Standard on 'Resourcing compliance and enforcement' outlines three major issues regarding the regime around compliance and enforcement of cultural heritage legislation:

*First, wherever possible, affected Indigenous communities should be adequately empowered and resourced to undertake necessary compliance and enforcement functions. Second though, is the realisation that the structure of ICH [Indigenous Cultural Heritage] legislation is dependent upon proponents understanding that interference with ICH without an authorisation or a failure to comply with the terms of the authorisation will result in a significant sanction. This is true whatever organisation or agency is undertaking compliance and enforcement functions. This understanding by proponents will only occur if there are sufficient resources allocated to enforcement regimes for these to constitute a real deterrent to non-compliance. Third, there is a need to ensure there is national consistency in both the structure and penalty regime of ICH offence provisions. The severity of penalties needs to ensure the effective operation of the legislative regime.*

**Intangible cultural heritage**

The Best Practice Standard on 'Definitions' refers to the importance of intangible cultural heritage:

*ICH [Indigenous Cultural Heritage] is at the heart of all Australian Heritage and should be celebrated by all Australians as the foundation of Australia's unique cultural heritage. However more than anything else ICH is the living phenomenon connecting Traditional Owners' culture today with the lives of our ancestors ... ICH legislation must comprehend that, while physical artefacts provide an important ongoing physical representation of Indigenous Peoples' connection to their country over time, definitions of the manifestations of ICH must also comprehend the importance of the intangible aspects of physical places. It is in this way that a physical landscape can be properly understood as a living place inhabited by our ancestors and creators. Likewise, intangible ICH not necessarily immediately connected to physical places must also be recognised in legislation.*

### 3.3 Proposals to improve cultural heritage protection

The following suite of proposals (both legislative and non-legislative) outlines options for increasing the role of Aboriginal and Torres Strait Islander peoples in managing and protecting their cultural heritage, strengthening existing compliance mechanisms, and introducing new compliance mechanisms.

#### Proposal 1

**Replace the current Duty of Care Guidelines with a new framework that requires greater engagement, consultation and agreement making with the Aboriginal party or Torres Strait Islander party to protect cultural heritage.**

#### Option

The option proposed for replacing the guidelines is a Cultural Heritage Assessment Framework (which could be prescribed in primary or subordinate legislation, with penalty units) to protect Aboriginal and Torres Strait Islander cultural heritage. The proposed framework would involve identification of two categories of activity — a **prescribed activity** (e.g. an activity that causes disturbance that would result in a lasting impact to ground that has not previously been disturbed) and an **excluded activity** (e.g. clearing along a fence line in a **high-risk area**) — and the steps outlined below. A diagram of the proposed framework and examples of definitions are provided on pages 12 and 13.

#### Early engagement

- Mapping of high-risk cultural heritage areas in Queensland would be undertaken. This mapping would involve engaging with Aboriginal and Torres Strait Islander parties to identify areas and assess cultural heritage to be protected.
- Before starting an activity, the land user would undertake a cultural heritage search of the mapping to determine whether the activity is in a high-risk area. It is recommended that this search be undertaken early in the project.

#### Consultation

- If an activity is a **prescribed activity**, the land user would be required to consult with the relevant Aboriginal or Torres Strait Islander party (regardless of whether the area is a high-risk area) to determine any potential impact of activity on cultural heritage and obtain more information about the significance of the area's cultural heritage.
- If an activity is an **excluded activity** in a high-risk area, the land user would not be required to consult and may proceed with their activity. However, if significant cultural heritage is identified during the activity, or the activity is likely to harm known cultural heritage, the land user would be required to consult with the Aboriginal or Torres Strait Islander party.
- Any other land use activity in a **high-risk area** would require consultation with the Aboriginal or Torres Strait Islander party to determine any potential impact on cultural heritage.
- If an activity is not in a high-risk area, consultation with the Aboriginal or Torres Strait Islander party would not be required (except for prescribed activities) and may proceed. However, if significant cultural heritage is identified during the activity, or the activity is likely to harm known cultural heritage, the land user would be required to consult with the Aboriginal or Torres Strait Islander party.



### Cultural heritage assessment and protection

- The Aboriginal or Torres Strait Islander party would determine if the activity would impact the significant Aboriginal or Torres Strait Islander area or object.
- If the activity will impact the significant Aboriginal or Torres Strait Islander area or object, the land user would be required to consider options, in consultation with the Aboriginal or Torres Strait Islander party, to protect the area. This should include plans to avoid harm, as well as mitigation strategies.
- The land user and Aboriginal or Torres Strait Islander party would be required to reach an agreement about how to address the impact with measures to be clearly identified in the agreement. The Aboriginal or Torres Strait Islander party is to be provided with sufficient information to enable full consideration of the risks before deciding whether to consent to the agreement.

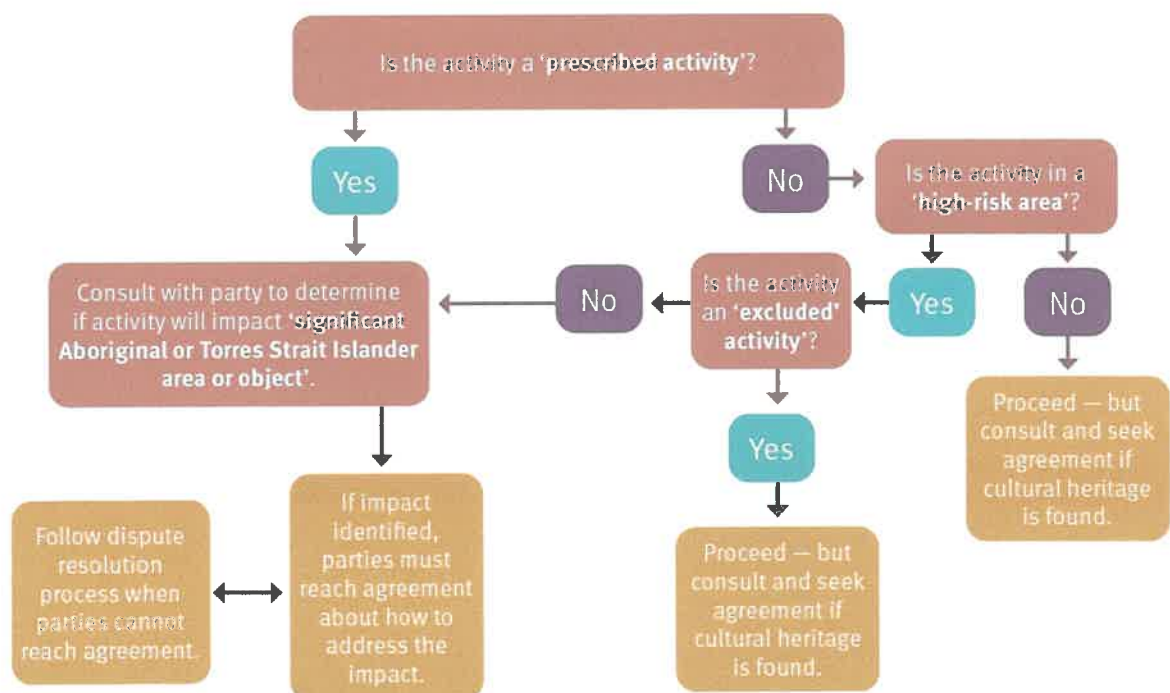
### Dispute resolution

- A dispute resolution process would be undertaken if agreement cannot be reached (see proposal 4).

### Other considerations

- The government would be responsible for organising and carrying out the mapping of Country in consultation with, and with the consent of, Aboriginal and Torres Strait Islander parties.
- Timeframes for enquiries and consultation would be prescribed.
- This model would need to consider the level of support required for Aboriginal and Torres Strait Islander parties to manage increased consultation about proposed activities and mapping of Country.

### Proposed Cultural Heritage Assessment Framework



## Examples of definitions

The following terms are to be defined and developed in consultation with stakeholders. Examples could include:

- **prescribed activity:** an activity that causes disturbance that would result in a lasting impact to ground that has not previously been disturbed, or to the ground below the level of disturbance that currently exists.
- **excluded activity:** clearing along a fence line or to maintain existing cleared areas around infrastructure, or a subdivision of less than three lots.
- **high-risk area:** a mapped area requiring a greater level of consideration to ensure protection from desecration, damage or destruction due to the area having known cultural significance to Aboriginal or Torres Strait Islander peoples because of, but not limited to:
  - proximity to significant features such as landforms, coastal land, waterways, sand dunes, national parks, marine parks, previously recorded cultural heritage sites and any features or landscapes associated with those places
  - other tangible significance such as movement, ceremony, meetings, hunting and gathering
  - intangible significance such as historical connection (including contemporary history) and traditional and/or spiritual beliefs/knowledge.
- **significant Aboriginal or Torres Strait Islander area or object:** currently defined in the Cultural Heritage Acts as an area or object of particular significance to Aboriginal or Torres Strait Islander peoples because of either or both of the following:
  - Aboriginal or Torres Strait Islander tradition
  - the history, including contemporary history, of any Aboriginal or Torres Strait Islander party for the area.



## QUESTIONS

1. Do you support this proposal and option? Why or why not?
2. Are there any improvements that could be made?
3. Should consultation occur for all activities in high-risk areas so there is no excluded activity?
4. What are your thoughts on proactively mapping cultural heritage areas?
5. What types of activities and areas should be included in the definitions for:
  - prescribed activity?
  - high-risk area?
  - excluded activity?
  - significant Aboriginal or Torres Strait Islander area or object?
6. Should consultation protocols be developed for each Aboriginal party and Torres Strait Islander party?
7. How should Aboriginal and Torres Strait Islander parties be supported to manage increased consultation about cultural heritage protection?
8. Should the development of a new assessment framework be led by a First Nations advisory group (with other experts as required)?

## Proposal 2

**Integrate cultural heritage protection and mapping into land planning to enable identification of cultural heritage at an early stage and consideration of its protection.**

### Option

The option proposed for achieving integration is to incorporate the mapping referred to in proposal 1 (if introduced) into planning processes for state and local government, so that risks to cultural heritage are identified and addressed in the early stages of project planning.



### QUESTIONS

1. Do you support this proposal and option? Why or why not?
2. Are there any improvements that could be made?

## Proposal 3

**Amend the Cultural Heritage Acts to expressly recognise intangible elements of cultural heritage.**

### Option

This option involves amending the definitions of **significant Aboriginal and Torres Strait Islander areas and objects** in sections 9 and 10 of the Acts to:

- recognise that an area or object may be significant for both tangible and intangible reasons
- refer to intangible aspects of cultural heritage that Aboriginal and Torres Strait Islander peoples determine to be a significant part of their cultural heritage and identity (e.g. practices, representations, expressions, beliefs, knowledge, skills).



### QUESTIONS

1. Do you support this proposal and option? Why or why not?
2. Are there any improvements that could be made to the option or definitions?
3. Is there an alternative framework or option that might better recognise intangible cultural heritage, instead of amending the definitions in the Cultural Heritage Acts?



## Proposal 4

Provide a mechanism to resolve and deal with issues arising under the Cultural Heritage Acts.

### Options

Some options for a mechanism could include:

- establishing a First Nations body or an advisory group to assist with disputes arising under the Cultural Heritage Acts (including to help the parties when there is a disagreement) and appointing a suitable mediator, or other appropriate form of alternative dispute resolution, when required
- extending the Land Court's alternative dispute resolution (ADR) function to allow it to appoint a suitable mediator, including from the Land Court's ADR panel, to deal with all disputes under the Cultural Heritage Acts
- giving bodies, such as the Land Court, jurisdiction to hear disputes about, and enforce, agreements.



### QUESTIONS

1. Do you support this proposal? Why or why not?
2. Do you support these options? Why or why not?
3. Are there any improvements that could be made?

## Proposal 5

Require mandatory reporting of compliance to capture data and support auditing of the system.

### Option

The option proposed for mandatory reporting is to prescribe a requirement for land users to document and register all agreements and consultation under the Cultural Heritage Acts. This would involve:

- using reporting information for auditing purposes and to capture data about agreements and consultation undertaken
- creating templates and forms to assist with reporting requirements
- recording documents and information in a secure central system and holding these in compliance with privacy obligations and cultural protocols.



### QUESTIONS

1. Do you support this proposal and option? Why or why not?
2. Are there any improvements that could be made?

## Proposal 6

Provide for greater capacity to monitor and enforce compliance.

### Options

The following are some options that could strengthen monitoring and enforcement capacity:

- Introduce new types of orders that incorporate restorative justice principles allowing for rehabilitative and educational measures in parallel with pecuniary ones (e.g. educational orders, compulsory training).
- Expand the authorised officer role to include:
  - entry to premises despite refusal of consent by the land holder in circumstances where reasonable belief and immediate risk of harm to cultural heritage is occurring. A strict entry procedure would need to be developed and followed (e.g. an application may need to be made, and entry limited to a specified time period).
  - investigating complaints of harm and providing information relevant to stop order requests
  - conducting audits of mandatory reporting documents
  - issuing infringement notices (see below)
  - other matters requested by a First Nations body/Department/Minister
  - powers aligned with other Acts such as the *Environmental Protection Act 1994* (e.g. power to compel employees and contractors to provide statements and verbal evidence).
- Provide for authorised officers to have the power to issue infringement notices (modelled on the Penalty Infringement Notice System in Queensland). Infringement notices could be issued for breach of current offences as well as introduced offences such as non-compliance with the proposed Cultural Heritage Assessment Framework (regardless of actual harm occurring). Infringement notices would be a nominal figure to encourage compliance as well as reduce the administrative and evidentiary burden for prosecution.
- Increase the number of authorised officers to monitor and enforce compliance and provide them with specialised training. These officers would be employed by government or a First Nations body.



### QUESTIONS

1. Do you support this proposal? Why or why not?
  2. Do you support these options? Why or why not?
  3. Are there any improvements that could be made?
-

## 4. Reframing the definitions of ‘Aboriginal party’ and ‘Torres Strait Islander party’

### 4.1 Overview of current definitions

The main purpose of Queensland’s Cultural Heritage Acts is to provide effective recognition, protection and conservation of Aboriginal and Torres Strait Islander cultural heritage. The Acts provide that this purpose can be achieved by ensuring Aboriginal and Torres Strait Islander peoples are involved in processes for managing the recognition, protection and conservation of Aboriginal and Torres Strait Islander cultural heritage, whether or not native title continues to exist.

The Cultural Heritage Acts rely on the Commonwealth *Native Title Act 1993* to identify the Aboriginal party or Torres Strait Islander party who is a native title party for an area by using the following hierarchy:

- registered native title holder
- registered native title claimant
- previously registered native title claimant (if the claim was the last claim registered and there is no other registered native title holder or claimant, this is the ‘last claim standing’ provision).

Where there is no native title party for an area, the Acts (section 35[7]) state that a person is an Aboriginal party or a Torres Strait Islander party for the area if they:

- have particular knowledge about traditions, observances, customs or beliefs associated with the area; and
- have responsibility under tradition for some or all of the area, or are a member of a family or clan group that is recognised as having responsibility under tradition for some or all of the area.

The native title party or Aboriginal party or Torres Strait Islander party for the area can:

- engage in statutory cultural heritage management processes (as an endorsed party) developed through a Cultural Heritage Management Plan under Part 7 of the Acts, or a Cultural Heritage Study under Part 6
- be consulted to determine the cultural heritage significance of an area
- enter into a cultural heritage agreement
- provide compliance to land users generally through informal processes.

The Cultural Heritage Acts (section 36) also provide a role for a cultural heritage body to serve as the first point of contact for cultural heritage matters. The sole function of a cultural heritage body is to assist land users identify an Aboriginal party or a Torres Strait Islander party for an area. A cultural heritage body applies to the Minister for registration.

## 4.2 Guiding information for development of proposal

The table below sets out information that has guided development of the proposal to reframe the definitions of **Aboriginal party** and **Torres Strait Islander party** under the Cultural Heritage Acts.

Guidance	Details
<b>Consultation feedback</b>	<p>Feedback provided during previous stages of the review included the following:</p> <p><b>Definition of ‘native title party’</b></p> <ul style="list-style-type: none"> <li>• A registered native title holder under the Native Title Act should remain as an Aboriginal party or a Torres Strait Islander party for an area under the Queensland Cultural Heritage Acts.</li> <li>• Reliance on the Native Title Act potentially excludes certain Aboriginal people who may be knowledge holders and custodians of cultural heritage within that area.</li> </ul> <p><b>‘Last claim standing’ provision (a native title party for an area who is a previously registered native title claimant)</b></p> <ul style="list-style-type: none"> <li>• This provision is seen to be problematic, especially in cases where a negative determination has been made.</li> <li>• It does not always result in the ‘right people speaking for country’ and another method of identifying the Aboriginal or Torres Strait Islander party should be developed.</li> <li>• It gives certainty to proponents.</li> </ul> <p><b>Definition of ‘Aboriginal party’</b></p> <ul style="list-style-type: none"> <li>• There may sometimes be more than one Aboriginal party for an area.</li> <li>• Land users noted that with multiple parties (i.e. no registered native title holders) there is a significant resourcing impost to contact all parties.</li> </ul> <p><b>Independent body</b></p> <ul style="list-style-type: none"> <li>• In some submissions and community meetings, the potential establishment of an independent body to advise or make decisions on cultural heritage matters was discussed, including for dispute resolution and identification of parties.</li> </ul>
<b>Cultural heritage models in other parts of Australia</b>	<p><b>Registered Aboriginal parties (RAPs) — Victoria</b></p> <p>The Victorian Aboriginal Heritage Council registers Aboriginal parties (RAPs) under the <i>Aboriginal Heritage Act 2006</i> (Vic).</p> <p>The published criteria for assessing applications note that the following types of groups will automatically be registered as a RAP<sup>6</sup>:</p> <ul style="list-style-type: none"> <li>• a native title holder with a native title agreement over the whole application area</li> <li>• Traditional Owner group entity (per the <i>Traditional Owner Settlement Act 2010</i>).</li> </ul>

(continued)

<sup>6</sup> See: [www.aboriginalheritagecouncil.vic.gov.au/fact-sheet-registration-aboriginal-parties](http://www.aboriginalheritagecouncil.vic.gov.au/fact-sheet-registration-aboriginal-parties)

<b>Cultural heritage models in other parts of Australia</b> <i>(continued)</i>	<p>No other applicant can become a RAP for that area, except another registered native title holder for that area.</p> <p>Other areas the council considers when assessing applications include:</p> <ul style="list-style-type: none"> <li>• whether the applicant represents the Traditional Owners of the area</li> <li>• whether the applicant is a body representing Aboriginal people that have an historical or contemporary interest in Aboriginal cultural heritage relating to the area, and expertise in managing and protecting Aboriginal cultural heritage.</li> </ul>
<b>Human Rights Act 2019 (Qld)</b>	<p>Queensland's <i>Human Rights Act 2019</i> is unique in the scope of Aboriginal and Torres Strait Islander rights.</p> <p>Section 28 of the Act provides that Aboriginal peoples and Torres Strait Islander peoples hold distinct cultural rights, including the right to:</p> <ul style="list-style-type: none"> <li>• enjoy, maintain, control, protect and develop their identity and cultural heritage, including their traditional knowledge, distinctive spiritual practices, observances, beliefs and teachings</li> <li>• maintain and strengthen their distinctive spiritual, material and economic relationship with the land, territories, waters, coastal seas and other resources with which they have a connection under Aboriginal tradition or Island custom</li> <li>• conserve and protect the environment and productive capacity of their land, territories, waters, coastal seas and other resources.</li> </ul>
<b>Dhawura Ngilan (Vision and Best Practice Standards)</b>	<p>The Best Practice Standard on 'Incorporation of principles of self-determination' states:</p> <p><i>The key to UNDRIP [UN Declaration on the Rights of Indigenous Peoples] is the principle of self-determination. In the context of ICH [Indigenous cultural heritage], this principle requires that the affected Indigenous Community itself should be the ultimate arbiter of the management of the ICH aspects [of] any proposal that will affect that heritage.</i></p>



## 4.3 Proposal to reframe definitions

### Proposal

Reframe the definitions of 'Aboriginal party' and 'Torres Strait Islander party' so that people who have a connection to an area under Aboriginal tradition or Ailan Kastom have an opportunity to be involved in cultural heritage management and protection.

The options for this proposal focus on changes to the native title party definitions where the native title party for an area is a previously registered native title holder. There are no changes proposed in areas where there is a registered native title holder or a registered native title claimant.

### Option 1

This option involves changes in areas of Queensland where there is no registered native title holder or registered native title claimant.

In these areas, it is proposed that:

- an Aboriginal person or a Torres Strait Islander person who claims to have a connection to the area under Aboriginal tradition or Ailan Kastom can request recognition as an Aboriginal party or a Torres Strait Islander party
- the Cultural Heritage Acts are changed so that a previously registered native title claimant is not a native title party of an area, and section 35(7) is removed.

This option requires the establishment of a First Nations decision-making body.

#### Where would this option apply?

- This option would apply to areas where there is currently no registered native title holder or registered native title claimant.
- The Cultural Heritage Acts would no longer recognise previously registered native title claimants as native title parties for an area.
- The green areas on the map opposite show areas of Queensland where there are previously registered native title claimants that are native title parties for an area. These previously registered native title claimants would not retain their native title party status under this option.
- The white areas on the map show areas where section 35(7) currently applies. Section 35(7) would be removed from the Acts.
- All approved Cultural Heritage Management Plans existing before the amendments come into force would continue to be recognised.

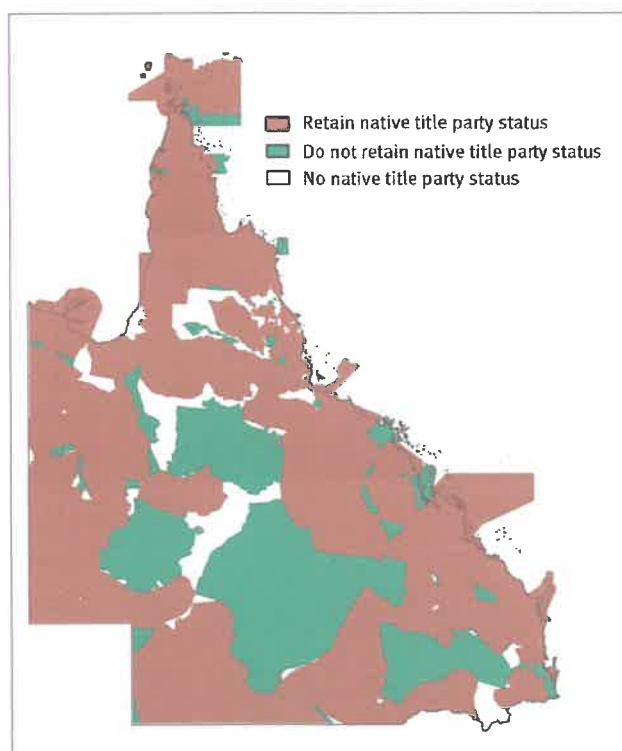


Figure 1: The green and white areas show where option 1 would apply. (indicative boundaries current at 2 December 2021)

### **Who may apply for party status in areas without a registered native title holder or registered native title claimant?**

- Another Aboriginal or Torres Strait Islander person claiming to have a connection to the area under Aboriginal tradition or Ailan Kastom could apply for recognition as an Aboriginal party or a Torres Strait Islander party.
- There may be more than one Aboriginal or Torres Strait Islander party for these areas.

### **Who would make decisions about applications for party status?**

- Party status applications would be reviewed by a First Nations independent decision-making body (see section 5 of this paper).
- Before applications could be made, this body — in partnership with Aboriginal and Torres Strait Islander peoples — would be responsible for establishing what type of entity can apply (e.g. individuals or incorporated bodies) and what evidence would be required in an application to demonstrate connection to an area under Aboriginal tradition or Ailan Kastom.
- In making decisions about applications, the body may consult with registered native title holders and registered native title claimant in the surrounding areas.
- The body may also consult with other culturally appropriate and necessary entities to assist them in their decision-making (e.g. other Aboriginal or Torres Strait Islander parties, native title registered bodies, archaeologists, anthropologists, historians).
- When the body makes a decision not to recognise party status, applicants could appeal.

### **What would happen when a new native title claim is registered, or there is a new native title holder for the area?**

- The new registered native title claimant/holder would automatically become the native title party for the area.
- The previous Aboriginal party or Torres Strait Islander party would no longer have party status.
- All Cultural Heritage Management Plans made with the previous Aboriginal party or Torres Strait Islander party would continue to be recognised.

### **Dispute resolution**

As indicated in proposal 4 in section 3 of this paper), dispute resolution options could include:

- establishing a First Nations body or advisory group to assist with disputes arising under the Cultural Heritage Acts (including to help the parties when there is a disagreement) and appointing a suitable mediator, or other appropriate form of alternative dispute resolution, when required
- extending the Land Court's alternative dispute resolution (ADR) function to allow it to appoint a suitable mediator, including from the Land Court's ADR panel, to deal with all disputes under the Cultural Heritage Acts
- giving bodies, such as the Land Court, jurisdiction to hear disputes about, and enforce, agreements.

## Option 2

This option involves changes in areas where the Aboriginal party or Torres Strait Islander party is a previously registered native title claimant subject to a negative determination (native title does not exist).

In these areas, it is proposed that:

- the Cultural Heritage Acts are changed so that a previously registered native title claimant subject to a negative determination (native title does not exist) is not a native title party
- section 35(7) of the Acts applies.

### Where would this option apply?

- This option would apply only to areas of Queensland subject to a negative determination (native title does not exist). These areas are shown in green on the map opposite.
- All Cultural Heritage Management Plans made with the previous native title party (i.e. before the amendments come into force) would continue to be recognised.

### How would party status be determined?

- Section 35(7) of the Cultural Heritage Acts would apply in these areas. This section states that a person is an Aboriginal party or a Torres Strait Islander party for the area if:
  - the person is an Aboriginal person or a Torres Strait Islander with particular knowledge about traditions, observances, customs or beliefs associated with the area; and
  - the person:
    - has responsibility under Aboriginal tradition or Island custom for some or all of the area, or for significant Aboriginal or Torres Strait Islander objects located or originating in the area; or
    - is a member of a family or clan group that is recognised as having responsibility under Aboriginal tradition or Island custom for some or all of the area, or for significant Aboriginal or Torres Strait Islander objects located or originating in the area.

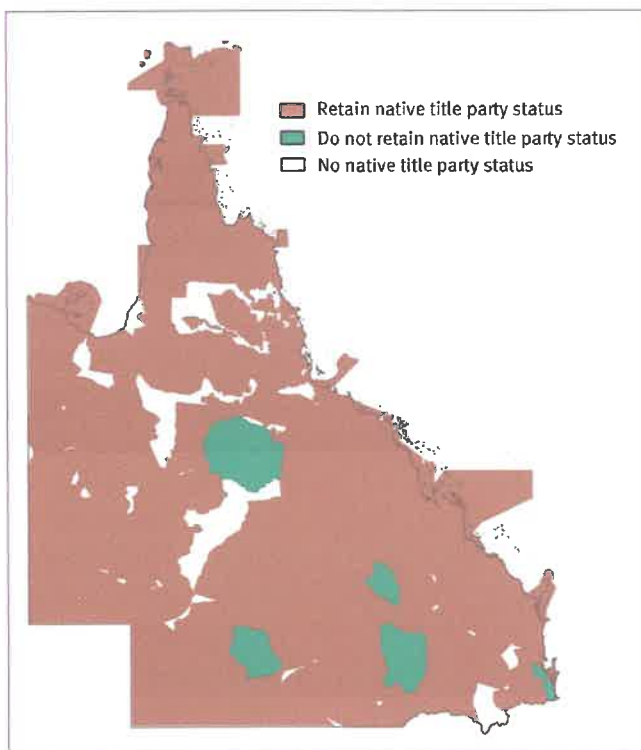


Figure 2: The green areas show where option 2 would apply. (indicative boundaries current at 2 December 2021)



- Under these existing provisions, a land user wishing to undertake an activity that requires a Cultural Heritage Management Plan would need to conduct a public notification process and invite any Aboriginal or Torres Strait Islander persons to be an Aboriginal party or a Torres Strait Islander party.
- There can be more than one Aboriginal or Torres Strait Islander party for an area.



## QUESTIONS

- Do you support Option 1? Why or why not?
- Do you support Option 2? Why or why not?
- If you do not support either option, please explain why?
- Do you think the Cultural Heritage Acts should be changed so that all previously registered claimants are not native title parties for an area and not just those subject to a negative determination?

## 5. Promoting leadership by First Nations peoples in cultural heritage management and decision-making

The Cultural Heritage Acts afford a level of input and participation by First Nations peoples in relation to cultural heritage matters. However, feedback from previous consultation, the Commonwealth Government's final report on the destruction of Indigenous heritage sites at Juukan Gorge, and a review of models and proposals in other jurisdictions have highlighted that First Nations peoples should have greater participation in the control, protection and administration of cultural heritage, and decision-making about cultural heritage matters.

### 5.1 Guiding information for development of proposals

The table below sets out information that has guided development of the proposals for promoting leadership by First Nations peoples in cultural heritage matters.

Guidance	Details
<b>Consultation feedback</b>	Feedback from the 2019 consultation highlighted that First Nations people should have a greater and more active role in cultural heritage decision-making and consultation processes.
<b>Cultural heritage models in other parts of Australia</b>	<p>In most states and territories, decision-making about Aboriginal cultural heritage is mainly the responsibility of the relevant Minister.</p> <p><b>Victoria</b>            Victoria's Aboriginal Heritage Council (AHC) is a decision-making body comprised of Traditional Owners. The council decides who the registered Aboriginal parties (RAPs) are for an area, grants permits, approves Cultural Heritage Management Plans when there is no RAP, oversees RAP operations, and provides advice to the Minister.</p> <p>A RAP is an independent body comprised of native title holders, Traditional Owners or Aboriginal people with an historical or contemporary interest in cultural heritage. RAPs are funded by the government and are the primary source of advice and knowledge for the Minister, Secretary and AHC on matters about Aboriginal places and objects relating to their registration area. RAPs also decide whether to approve or refuse a Cultural Heritage Management Plan.</p> <p><b>New South Wales</b>            The New South Wales draft Aboriginal Cultural Heritage Bill 2018 would establish a new model for protecting Aboriginal cultural heritage. Under this model, decision-making would be placed with Aboriginal people through establishing Local Aboriginal Cultural Heritage Consultation panels and an Aboriginal Cultural Heritage Authority (ACHA). The ACHA would approve Cultural Heritage Management Plans, administer cultural heritage legislation, provide advice to the Minister, enter into conservation agreements, issue stop work orders and establish local panels that play an advisory role in local cultural heritage expertise and participate in cultural heritage plans.</p> <p style="text-align: right;"><i>(continued)</i></p>

<p><b>Cultural heritage models in other parts of Australia</b> (continued)</p>	<p><b>Western Australia</b> The Western Australian Aboriginal Cultural Heritage Bill 2021 provides Aboriginal peoples with a decision-making role about matters affecting their culture. This includes having an Aboriginal Cultural Heritage Council comprised of Aboriginal people to approve Cultural Heritage Management Plans, grant or refuse cultural heritage permits, administer legislation, provide advice and recommendations to the Minister, and determine the Local Aboriginal Cultural Heritage Service (LACHS) for different areas of the state. An LACHS is comprised of Aboriginal members that follow native title hierarchy and determine the right people to speak for country.</p> <p><b>South Australia</b> South Australia has established Recognised Aboriginal Representative Bodies (RARBs) which are incorporated bodies that enter into local heritage agreements with proponents. There are currently two RARBs.</p> <p>RARBs must represent the views of Traditional Owners and are appointed by the State Aboriginal Heritage Committee. The committee provides advice to the Premier on entries in the central archives, measures for cultural heritage protection and preservation, appointments of inspectors, Aboriginal heritage agreements, matters relating to administration of the <i>Aboriginal Heritage Act 1988</i>, and functions assigned by the Premier or Act.</p> <p><b>Northern Territory</b> The Northern Territory's cultural heritage legislation is administered through Land Councils which can issue or refuse permits for access and works near sacred sites on unalienated Crown land. The Aboriginal Areas Protection Authority (a statutory body made up of 12 members, 10 of whom are Aboriginal custodians of sacred sites, nominated by the 10 Land Councils in the Northern Territory) has decision-making powers, registers and records sacred sites, and issues authority certificates for development. The Minister has the power to override decisions of this body.</p>
<p><b>Human Rights Act 2019 (Qld)</b></p>	<p>Queensland's <i>Human Rights Act 2019</i> is unique in the scope of Aboriginal and Torres Strait Islander rights. Ensuring the right and appropriate Aboriginal peoples and Torres Strait Islander peoples are involved in managing and protecting cultural heritage is consistent with section 28 of the Act, which states that Aboriginal peoples and Torres Strait Islander peoples hold distinct cultural rights.</p> <p style="text-align: right;">(continued)</p>

<b>Dhawura Ngilan (Vision and Best Practice Standards)</b>	<p>The basic principles of the Best Practice Standards in Indigenous Cultural Heritage Management and Legislation state:</p> <p><i>The rights set out in UNDRIP [United Nations Declaration on the Rights of Indigenous Peoples] are also recognised in a range of domestic legislation such as the Human Rights Act 2019 (Qld) and the Charter of Human Rights and Responsibilities 2006 (Vic). This principle is already applied in practice in a number of jurisdictions in Australia such as NT and Vic, where administrative, regulatory and decision-making structures related to Aboriginal heritage are under the practical control of Aboriginal people.</i></p>
<b>National Agreement on Closing the Gap</b>	<p>The Queensland Government, through the National Agreement on Closing the Gap, has committed to the outcome that 'Aboriginal and Torres Strait Islander peoples maintain a distinctive cultural, spiritual, physical and economic relationship with their land and waters' and to priority reforms including:</p> <ul style="list-style-type: none"> <li>• strengthening and establishing formal partnerships and shared decision-making</li> <li>• improving and sharing access to data and information to enable Aboriginal and Torres Strait Islander communities to make informed decisions.</li> </ul>
<b>Recognising historical connections</b>	<p>The <i>Statement of Commitment to reframe the relationship between Aboriginal and Torres Strait Islander peoples and the Queensland Government</i> is guiding the journey to heal the past and create a new relationship between Aboriginal and Torres Strait Islander peoples and non-Indigenous Queenslanders.</p> <p>The statement recognises 'the past acts of dispossession, settlement and discriminatory policies' and states that 'we will move forward together with mutual respect, recognition and a willingness to speak the truth about our shared history'.</p>

## 5.2 Proposals to promote leadership by First Nations peoples

### Proposal 1

**Establish a First Nations-led entity with responsibilities for managing and protecting cultural heritage in Queensland. The entity could work with existing and future local Aboriginal and Torres Strait Islander groups who manage cultural heritage matters within their respective areas.**

Creating a First Nations-led entity would promote greater self-determination by moving away from government making decisions for Aboriginal and Torres Strait Islander peoples. Consistent with its proposed functions, a First Nations-led entity could lead the co-design of cultural heritage policies and advice — including, for example, an approach to recognising historical connection (see proposal 2 on page 28).

## Options

The following are some key elements to consider in establishing a First Nations-led cultural heritage entity:

Element	Considerations
<b>Number of entities</b>	There could be one entity for Aboriginal cultural heritage, one for Torres Strait Islander heritage, or one representing both (which can be flexibly and appropriately constituted depending on the type of cultural heritage). The entity would also need to be flexible to be appropriately constituted according to specific areas in Queensland.
<b>Legal status of the entity</b>	Depending on the functions and powers of the entity, options for its legal status could include: <ul style="list-style-type: none"> <li>• statutory body (e.g. council or board)</li> <li>• advisory panel or advisory committee established in legislation</li> <li>• non-statutory advisory body (established without legislation).</li> </ul>
<b>Funding</b>	The Queensland Government would provide funding for the entity.
<b>Leadership</b>	The entity would be led by First Nations peoples with the expertise, knowledge, connection to country, and skills relevant to protecting and managing cultural heritage.
<b>Functions</b>	The overall purpose of the entity could be to provide dispute resolution support, assistance, advice and/or decision-making for managing and protecting cultural heritage in Queensland. Specific functions could include: <ul style="list-style-type: none"> <li>• administering any proposed new legal frameworks of Cultural Heritage Acts</li> <li>• assisting local Aboriginal and Torres Strait Islander groups with decision-making on matters such as applications for Aboriginal or Torres Strait Islander party status for an area where this is required (noting the entity would not override the status of native title holders and claimants), and determining whether to approve Cultural Heritage Management Plans and Cultural Heritage Studies</li> <li>• managing and maintaining the cultural heritage register and database</li> <li>• managing compliance (e.g. employing compliance officers and conducting audits and investigations)</li> <li>• assisting with dispute resolution between proponents and Aboriginal and Torres Strait Islander groups through mediation and conciliation</li> <li>• providing recommendations and advice to the Minister and the Land Court with input from local Aboriginal and Torres Strait Islander groups</li> <li>• developing policy — including co-designing policies and guidelines with local Aboriginal and Torres Strait Islander groups to support administration of the Cultural Heritage Acts; and making recommendations for policy review (e.g. on compliance and ‘party’ definitions as discussed in sections 3 and 4 of this paper)</li> <li>• educating and raising awareness — including promoting education and awareness about First Nations peoples’ enduring cultural heritage and appreciation of this heritage; and advising proponents about consultation.</li> </ul>



#### Local or regional engagement

Local Aboriginal and Torres Strait Islander panels or groups could be established by the entity to manage cultural heritage matters. The entity could determine membership and develop roles and responsibilities consistent with the principles of traditional ownership and rights in land.



## QUESTIONS

1. Do you support the proposal to establish a First Nations-led entity? Why or why not?
2. An alternative to establishing an entirely new entity for this purpose could be to incorporate the proposed First Nations-led entity's responsibilities into another already existing entity or body. Do you support this alternative approach? If yes, what existing entity or body could this become a part of?
3. Do you think there should be two separate entities — one for Aboriginal cultural heritage and another for Torres Strait Islander cultural heritage?
4. What are your views on the proposed functions? What other functions could this entity have?
5. Should this entity have decision-making responsibility for approving 'party status' for an area and approving Cultural Heritage Management Plans?
6. Is it culturally appropriate for this body to have a role in cultural heritage management and protection?
7. Should the entity have a dispute resolution function?
8. Should the entity be independent of the government?

## Proposal 2

The First Nations independent decision-making entity, in partnership with Aboriginal and Torres Strait Islander peoples, explores the most culturally appropriate approaches for recognising historical connection to an area for the purposes of cultural heritage management.

## Options

Key matters that may need to be considered include, but are not limited to:

- how to define historical connection
- where historical connection might apply
- who could assert historical connection (e.g. an individual or a corporation) and how would they participate in decisions affecting cultural heritage to which they have an historical connection.



## QUESTIONS

1. Do you support this proposal on historical connection?
2. Why or why not?

# Appendix: Key terms

The following are key terms that have specific meanings within the context of cultural heritage:

## ***Aboriginal Cultural Heritage Act 2003 and Torres Strait Islander Cultural Heritage Act 2003***

These two Acts are often referred to collectively as the 'Cultural Heritage Acts' due to having the same effect while applying to two distinct groups of people. It is also common for the Cultural Heritage Acts to be referred to as 'CHA'.

## **Aboriginal and Torres Strait Islander cultural heritage**

Have the same meanings as defined in their respective Cultural Heritage Acts at sections 8, 9 and 10. However, refer to section 3 of this options paper for details of proposed amendments to these definitions to expressly recognise intangible cultural heritage.

## **Consultation party**

Is a party to a Cultural Heritage Management Plan. This could be the sponsor for the plan, or an endorsed party for the plan.

## **Cultural Heritage Management Plan (CHMP)**

Is a plan made under Part 7 of the Cultural Heritage Acts between consultation parties to identify how activities for a project are to be managed for their impact on Aboriginal and Torres Strait Islander cultural heritage.

## **Cultural Heritage Study (CHS)**

Is a study carried out under Part 6 of the Cultural Heritage Acts by a sponsor in consultation with an endorsed party, which assesses the level of significance of areas and objects included in the study area that are, or appear to be, significant for Aboriginal or Torres Strait Islander areas and objects.

## **Duty of Care Guidelines**

Are guidelines made under section 28 of the *Aboriginal Cultural Heritage Act 2003* and gazetted on 16 April 2004. The guidelines are used to identify reasonable and practicable measures for ensuring activities are managed to avoid or minimise harm to Aboriginal cultural heritage. There are no gazetted duty of care guidelines under the *Torres Strait Islander Cultural Heritage Act 2003*.

## **Endorsed party**

An endorsed party for a Cultural Heritage Study or Cultural Heritage Management Plan is an Aboriginal party or a Torres Strait Islander party under the Cultural Heritage Acts.

## **Land user**

Has the same meaning as defined in the Cultural Heritage Acts, which is a person carrying out, or proposing to carry out, activities on land likely to materially affect the land (e.g. farming, construction work).

### **'Last claim standing' provision**

This refers to section 34(1)(b)(i) of the Cultural Heritage Acts, which is when a person's claim has failed and:

- the person's claim was the last claim registered under the National Native Title Tribunal's Register of Native Title Claims for the area; and
- there is no other registered native title claimant for the area; and
- there is not, and never has been, a registered native title holder for the area.

The application of the 'last claim standing' provision may potentially be contentious where there has been a negative determination (by consent or litigation), i.e. native title does not exist for an area. In this situation, the last registered claimant becomes the Aboriginal or Torres Strait Islander party under the Cultural Heritage Acts. This has the effect of granting a party rights in relation to consultation about cultural heritage management even though it has been determined that the party is not a native title holder.

### **Registered native title holder**

Is:

- a registered native title body corporate; or
- an entity, other than a registered native title body corporate, that is the subject of a determination of native title under the Commonwealth *Native Title Act 1993* and is registered on the National Native Title Register as holding native title rights and interests.

A registered native title holder has had their native title rights and interests for an area recognised by the Federal Court of Australia.

### **Negative determination**

A negative determination refers to instances where the Federal Court or High Court of Australia has determined that native title does not exist.

### **Prescribed Body Corporate (PBC)**

Is a corporation nominated to hold and manage native title rights and interests before native title is determined and/or registered. Once registration of native title has occurred, the corporation will be referred to as a registered native title body corporate (RNTBC).

### **Proponent**

Is another term used to describe a land user.

### **Sponsor**

Is a person who accepts responsibility for a Cultural Heritage Study or Cultural Heritage Management Plan.





# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT - LATE

<b>COMMITTEE MEETING:</b>	March 2022
<b>DATE:</b>	22 March 2022
<b>ITEM:</b>	Agenda Item for resolution by Council
<b>SUBJECT:</b>	Joint Statement on Climate Change in the Torres Strait
<b>AUTHOR:</b>	Peter Krebs

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### Recommendation:

That Council endorses the Joint Statement on Climate Change in the Torres Strait

### Executive Summary:

The Mayor received an email on 24 February 2022 from Lisa Viliamu Jameson of 350 Australia requesting Council support for a joint statement on Climate Change.

350 Australia is a non-government and charitable organisation which was founded in 2008. It is part of the global climate group which seeks to reduce the amount of CO2 in the atmosphere by advocating for the end of fossil fuels.

The matter is brought before the committee for the consideration of the statement and to recommend to full council whether to endorse it or not.

### Background:

The Mayor received a request from 350 Australia to endorse the Joint Statement on Climate Change in the Torres Straits (Attachment 1).

The statement calls on all politicians to take the following action to address climate change:

1. Fund adaptation programs that will allow Torres Strait communities to adapt to climate impacts.
2. Support Torres Strait communities to build community-owned renewable energy.
3. Commit to going 100% renewables in Australia in the next 10 years.
4. Transition away from fossil fuels as rapidly as possible through a just transition for workers.
5. Push the world to increase global ambition and do everything possible to limit warming to 1.5 degrees.

The joint statement is signed by Gur A Baradharaw Kod Torres Strait Sea and Land Council, members of the Torres Strait 8 and numerous academics and scientists.

Information on 350 Australia and its activities is attached (Attachment 2).

**Comment:**

Council had been approached by another Environmental NGO Client Earth seeking a statement from Council on the topic of Climate Change in October 2020.

Advice from King and Co Lawyers was in summary that the matter is guided by the code of conduct for councillors and that caution should be taken before embarking on any form of activism.

The joint statement was considered at the Climate Change Adaption and Environment Committee on 11 March 2022 and the committee recommends that Council endorse the statement.

Having reviewed the statement, I do not see anything controversial or could give rise to a breach of the code of conduct should council adopt the statement.

The Joint Statement was published on a full page in the Cairns Post on 3 March 2022.

**Considerations****Risk Management**

A review of the Councillor Code of Conduct as approved on 4 August 2020 does not raise any concerns for councillors supporting the statement in my opinion.

**Council Finance**

Nil Cost

**Consultation:**

Climate Change Adaption and Environment Committee

**Links to Strategic Plans:****Statutory Requirements:**

*Local Government Act 2009*

*Local Government Regulation 2012*

**Conclusion:**

As presented.

**Endorsed:**

Peter Krebs

Manager Legal Services

**Recommended:**

Megan Barrett

Executive Director Corporate Services



James William

Chief Executive Officer

Hi Philemon

Hope you are well!

We're working on a joint statement with leading Australian Climate Scientists and Torres Strait Islander leaders, calling for greater climate action. In the next few days, a new IPCC report will be released from the UN about the latest climate impacts. We will get quite a bit of media from this.

I have attached the draft of the statement that we're hoping you can support?

**How will the statement be used?**

It will be printed in the Cairns Post and also delivered to MP's across the country and also promoted internationally through media.

It would be great to have you endorse the statement as mayor.

**Endorsement**

We'd also love to get endorsement from councillors from Masig, Saibai, Boigu and Poruma if it's possible. We've kept the statement non-partisan.

It would be really powerful to have you and these councillors support if possible.

We do however, urgently need to get approval as it will be sent out to the media tomorrow afternoon.

Thanks for your time.

**LISA VILIAMU JAMESON**  
**350 Australia**

*I work on the lands of the Yuggera people. I pay my respects to their ancestors, lands, lore, totems, stories & peoples.  
Always Was, Always Will Be.*





## **Joint statement on climate change in the Torres Strait**

Torres Strait Islanders are on the frontline of the climate crisis. As Torres Strait Islander leaders and Australian climate scientists, we urge all politicians to take immediate action to protect the Torres Strait from the impacts of climate change.

According to Yessie Mosby, Torres Strait 8 claimant and Kulkalgal Traditional Owner, "erosion and sea level rise is affecting our island home (Masig). We are picking up our ancestors' bones as if they are shells, due to inundation of our burial grounds."

The Intergovernmental Panel on Climate Change has just released its Sixth Assessment Report: Impacts, Adaptation, and Vulnerability. The report shows Torres Strait Island communities are already experiencing increased flood risk and water insecurity. Sea level rise has also undermined traditional coastal lands, including through the destruction of ancestral burial grounds. These impacts are predicted to intensify as low-lying islands of the Torres Strait face more frequent coastal flooding in coming decades (before mid-century).

Kabay Tamu, Torres Strait 8 claimant and Warraberalgal Traditional Owner, agrees climate impacts are already being experienced in the Torres Strait, "we watch the steady erosion of our coastlines, we witness our communities being inundated, infrastructure damaged, sea walls and flood defences breached, fresh water wells contaminated and plants and crops spoiled. Rising sea temperatures are also affecting the marine environments we rely on. We are witnessing more coral bleaching and ocean acidification, damaging the reefs and marine life that are vital for the ecosystem."

Urgent action is needed to ensure Torres Strait Islanders can remain on their islands. We call on all politicians to:

1. Fund adaptation programs that will allow Torres Strait communities to adapt to climate impacts
2. Support Torres Strait communities to build community-owned renewable energy
3. Commit to going 100% renewables in Australia in the next 10 years
4. Transition away from fossil fuels as rapidly as possible through a just transition for workers
5. Push the world to increase global ambition and do everything possible to limit warming to 1.5 degrees

Signed:

## OUR MISSION

**350.org Australia aims to rapidly end fossil fuels by building a global climate movement.**

The number 350 means climate safety: to preserve a liveable planet, scientists tell us we must reduce the amount of CO<sub>2</sub> in the atmosphere from its current level of 415 parts per million to below 350 ppm.

We believe that a global grassroots movement can hold our leaders accountable to the realities of science and the principles of justice. We are building a grassroots movement here in Australia to stand up to the fossil fuel industry, and support a just transition from coal, oil and gas to a renewable-energy future for all.

## OUR VISION

Our vision is for a future that is just and equitable, with our communities and ecosystems thriving and protected from the impacts of climate change.

## HOW WE WORK

Building a grassroots movement is at the centre of everything that we do, because we know it's only through people-power that we can achieve our vision

for the future.

Our movement is built through leaders forming local groups, and running strategic campaigns in their communities that are connected by a national and global strategy. This is supported by 350 staff, volunteer teams, digital tools, and a high quality training and mentoring program.

We think that the climate crisis is about power — but not just the kind of power that runs our cars and keeps the lights on. We believe that the only way we'll see meaningful action on climate change is if we can counter the power of the fossil fuel industry with the power of people taking collective action. Our movement is united around our mission, grounded in the realities of science and principles of climate justice, and is empowering and transformational for those involved.

### 350'S HISTORY

350.org Global was founded in 2008 by a group of university friends in the U.S along with author, environmentalist and activist, Bill McKibben.



Since then, 350 has grown into one of the world's largest creative activism groups working to build a powerful movement demanding climate change action. We work in almost every country in the world to stop new fossil fuel projects and speed up the transition to renewable energy.

Since the early days, 350.org Australia has grown into a grassroots movement of over 60,000 individuals and many local groups across the country. Our movement has run campaigns that have kept fossil fuels in the ground, and supported a rapid and fair transition to renewable energy. We work closely with the global 350.org movement, which has mobilised people in 188 countries, and with climate justice groups here in Australia and beyond.

Some of our proudest moments include seeing eight Australian universities and many more local institutions divest from fossil fuels; standing in solidarity with the historic Pacific Climate Warriors' blockade of the Newcastle coal port; getting commitments from Australian banks to not fund Adani's huge new coal mine in the Galilee Basin; and holding our politicians to account in the lead up to Federal Elections.



350 Australia's board is made up of passionate leaders and experts in their field. [Read More](#)



**Shannon Fleming**

Shannon has two decades of experience in strategic fundraising leadership and consulting on system and process improvements in the non-profit sector around the world, mostly for iNGOs. She is regularly asked to participate in sector leadership groups and to speak on topics including donor acquisition and retention and fundraising ethics. She has been a finalist or won multiple Fundraising Institute of Australia (FIA) awards, including the 2020 award for Most Innovative Campaign. She holds a Master of Public Affairs from the University of Sydney and, originally from Canada, a Bachelor of Arts from the University of Toronto.

CONTACT

General enquiries: [info@350.org.au](mailto:info@350.org.au)

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**Media enquiries:** [lucy@350.org.au](mailto:lucy@350.org.au)

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**OUR ISLANDS OUR HOME**

# OUR ISLANDS, OUR HOME

Support the #TorresStrait8 as they take their case against the Australian Government to the United Nations for inaction on climate change.

**SIGN THE PETITION**



*Artwork by Mooki & Dylan Mooney*

Sign the petition!

# SIGN THE PETITION

**DEAR SCOTT MORRISON,**

I call on you to commit the Australian Government to do everything it can to support the people of the Torres Strait with the resources they need to protect their island homes from climate change, and to mobilise Australia to pass laws to reduce greenhouse gas emissions in line with its commitments to a 1.5 degree target under the Paris Agreement.

FIRST NAME

LAST NAME

EMAIL ADDRESS

POSTAL CODE

MOBILE PHONE

COUNTRY



COUNTRY

Australia

## SIGN THE PETITION!

By signing this petition you agree to receive email updates and action alerts from 350 and ClientEarth. If you reside within the EU you will be asked to confirm your subscription. By taking this action, you are agreeing to our [terms of service](#) and [privacy policy](#). You can [unsubscribe](#) at any time.

## MEET THE #TORRESSTRAIT8

Zenadth Kes (the Torres Strait Islands & surrounding seas) is home to Traditional Owners who have lived with a deep connection to land, sea, sky and culture for over 60,000 years.

Right now, Torres Strait Islanders are on the frontlines of the climate crisis and urgent action is needed to ensure they can remain on their homelands. Advancing seas are already threatening homes, as well as damaging fresh water supplies, crops, burial grounds and sacred cultural sites.

Our Islands Our Home is a campaign led by Torres Strait Islanders to protect their island homes.

As part of this, eight Torres Strait Islanders have taken a complaint against the Australian Government to the United Nations for failing to protect Zenadth Kes from climate damage – demanding Australia rapidly reduce our emissions, and immediately resource adaptation needs. This is the world's first case of its kind.







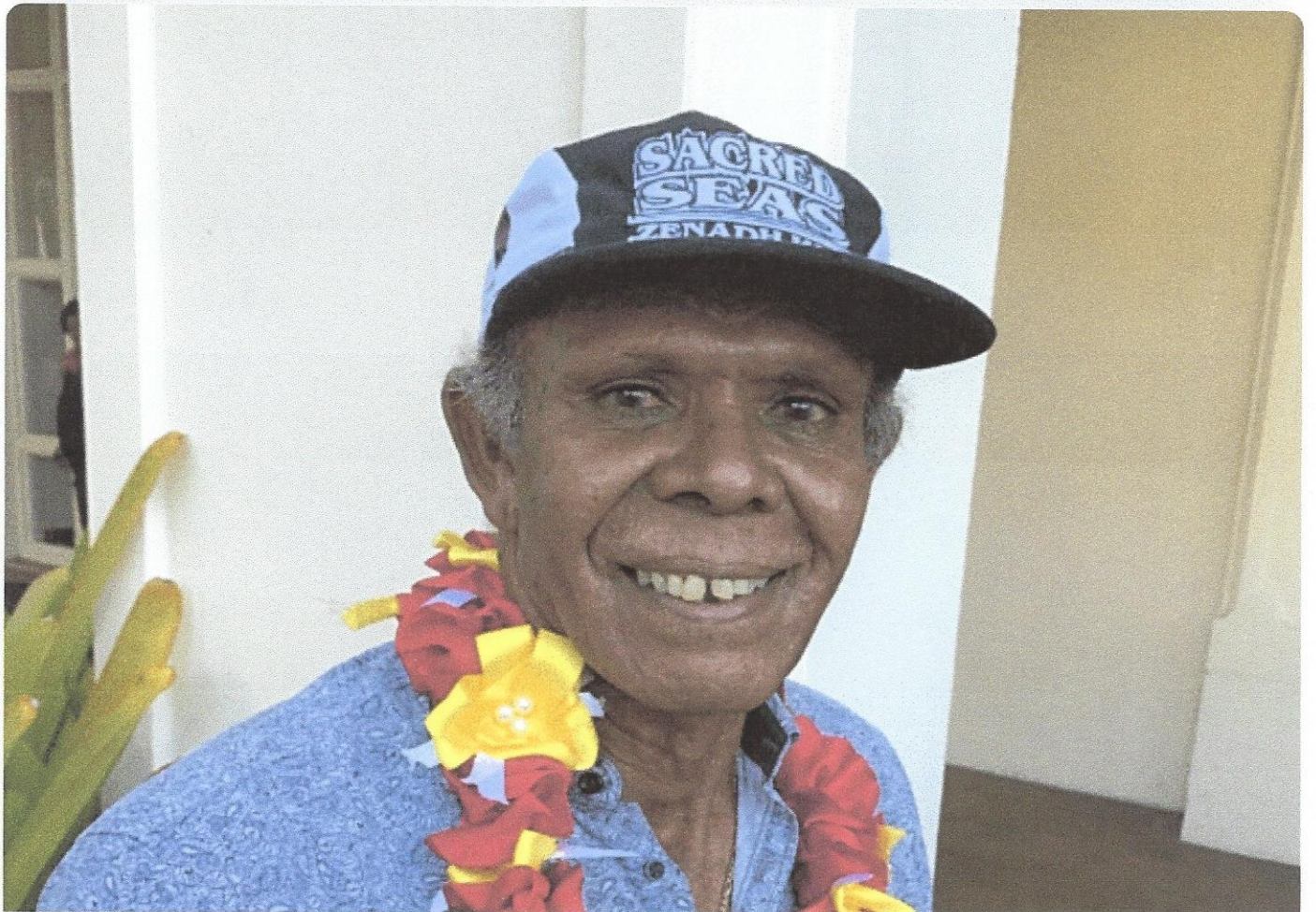




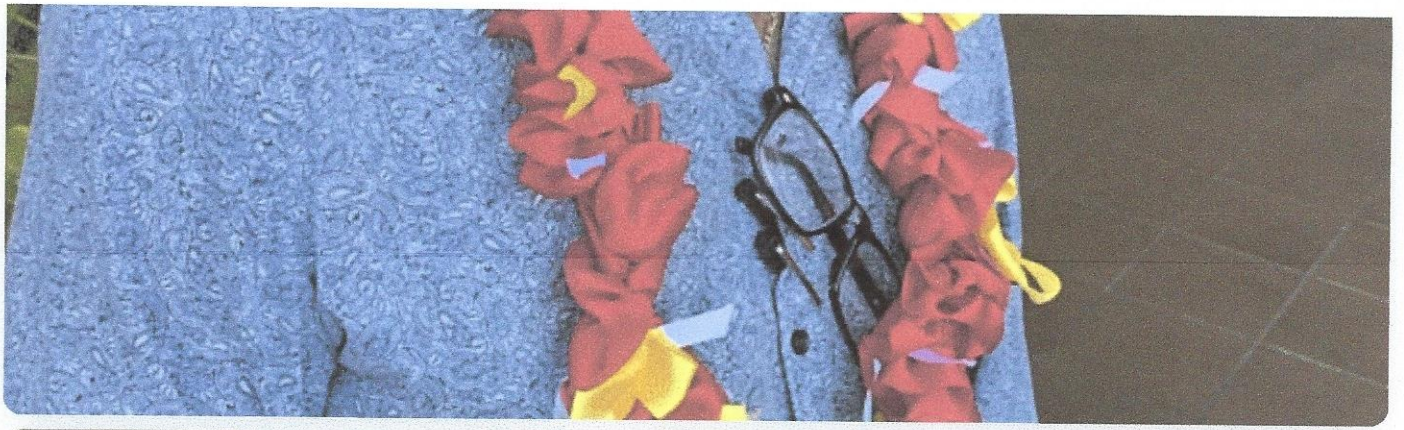
















**PARTNERS**



We acknowledge the Traditional Owners of Zenadth Kes - land, sea & sky. We also acknowledge First Nations Traditional Owners, leaders past, present & emerging.

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# LOCAL THRIVING COMMUNITIES - JOINT COORDINATING COMMITTEE COMMUNITY REPRESENTATIVE NOMINATION



The Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships is seeking a nomination for a Community Representative for the Local Thriving Communities (LTC) Joint Coordinating Committee (JCC).

## About Local Thriving Communities and the Joint Coordinating Committee

The JCC oversees improvements in service delivery to Queensland's 19 remote and discrete Aboriginal and Torres Strait Islander communities as part of the Queensland Government's LTC reform.

LTC is a key element of the Queensland Government's commitment to reframe the relationship with Aboriginal and Torres Strait Islander people and delivers on its response to the Queensland Productivity Commission's *Inquiry into service delivery in remote and discrete Aboriginal and Torres Strait Islander communities*. It is a long-term reform that will result in a different way of government working with communities to deliver better outcomes through enhanced local decision-making based on mutual respect and collaboration.

## Membership and meetings

The JCC meets a minimum of four and a maximum of six times per year and the membership comprises of six representatives from the various Aboriginal and Torres Strait Islander communities and representatives from the local, state and federal governments.

All members will:

- **COMMIT:** work in a unified and collaborative way, acting as champions of the reframed relationship between Aboriginal and Torres Strait Islander peoples and the Queensland Government, for example through committing to the new way of working, underpinned by truth telling, listening, engaging and focussing on strengths
- **DESIGN:** influence the emerging design of the overarching framework and approach for Local Thriving Communities; product and service development (such as guidance, tools, administrative processes); development of the legislative and evaluation frameworks
- **COMMUNICATE:** inform conversations about Local Thriving Communities at the community level, including with young people to ensure their views are heard, and across government, for example through sharing learnings and success stories
- **INFLUENCE:** contribute to community and government readiness and planning for implementation including flexible and coordinated funding arrangements; financial considerations; ways to improve the accountability of government and community entities and to improve the coordination and integration of programs and services

## Selection Criteria

The following selection criteria has been developed to guide consideration of JCC Community Member nominations.

### Knowledge and cultural competence

1. Identifies as an Aboriginal and/or Torres Strait Islander person and is accepted as an Aboriginal or Torres Strait Islander person by a relevant community.
2. Maintains cultural integrity and authenticity and has the capacity to provide an Aboriginal or Torres Strait Islander perspective on issues across government.
3. Maintains a strong and respected relationship with remote and discrete Aboriginal and Torres Strait Islander communities in Queensland, and has experience in advocating for the rights, needs and aspirations of these communities.
4. Has an in-depth understanding of – and personal commitment to – strengths-based approaches and local decision making and how it applies to reforming service delivery, governance and economic opportunities.
5. Relevant experience or expertise in government reform, change leadership, co-design, administration or community engagement.

### Engagement and leadership

6. A recognised and respected leader who has the capacity to bring together Aboriginal and Torres Strait Islander peoples to exchange information and ideas for the benefit of remote and discrete communities.
7. Experience effectively engaging with – and maximising local participation of – Aboriginal and Torres Strait Islander community members, including young people.

### Change agent

8. Supports a reframed relationship of mutual respect, high expectations and collaboration between Aboriginal and Torres Strait Islander peoples and the Queensland Government.

## Remuneration

Community members will be remunerated for their attendance at JCC meetings, in-line with *Remuneration Procedures for Part-Time Chairs and Members of Queensland Government Bodies*.

Please contact the [LTC Secretariat](#) to discuss further.

## Suitability checks

To manage risks associated with appointments to government bodies, information on a person's suitability for appointment must be obtained for all appointments. These include, for example, declarations of conflicts of interest and criminal history checks.



Kind Regards,



**Danny Morseu**  
Regional Manager

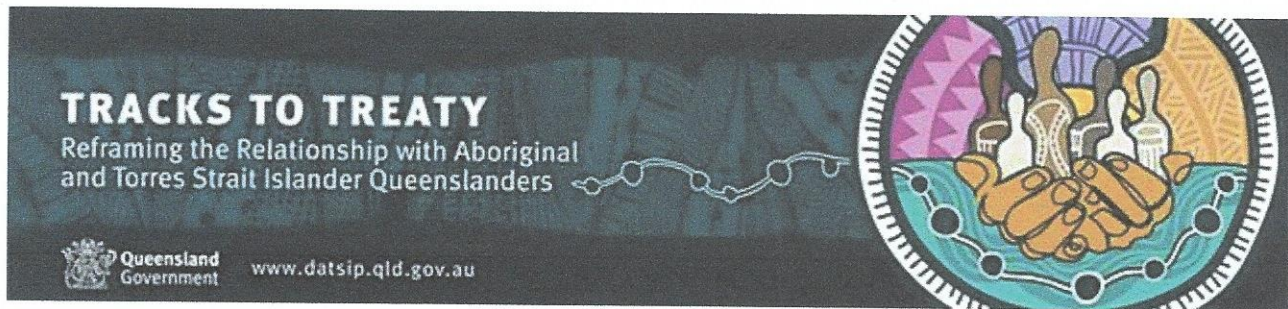
**CAPE & TORRES REGION – Torres Strait and NPA Regional Office**  
**Aboriginal and Torres Strait Islander Partnerships**

Department of Seniors, Disability Services and Aboriginal and Torres Islander Partnerships

Torres Office P 07 4212 3201 or P 07 4212 3202

Direct 07 4212 3205 M 0459 897 634 Email: [danny.morseu@dsdsatsip.qld.gov.au](mailto:danny.morseu@dsdsatsip.qld.gov.au)

Physical address – Level 1/46 Victoria Parade, THURSDAY ISLAND QLD 4875  
[www.dsdsatsip.qld.gov.au](http://www.dsdsatsip.qld.gov.au)



**From:** Claudia Whitton <[Claudia.Whitton@dsdsatsip.qld.gov.au](mailto:Claudia.Whitton@dsdsatsip.qld.gov.au)>

**Sent:** Tuesday, 1 February 2022 5:44 PM

**To:** [ursulan@tsirc.qld.gov.au](mailto:ursulan@tsirc.qld.gov.au); [David.Baldwin@tsirc.qld.gov.au](mailto:David.Baldwin@tsirc.qld.gov.au)

**Cc:** [ursulan@tsirc.qld.gov.au](mailto:ursulan@tsirc.qld.gov.au); LTC Secretariat <[LTC.Secretariat@dsdsatsip.qld.gov.au](mailto:LTC.Secretariat@dsdsatsip.qld.gov.au)>; DSIDSATSIP ODG Shared Mailbox <[dsdsatsip.odg.mailbox@dsdsatsip.qld.gov.au](mailto:dsdsatsip.odg.mailbox@dsdsatsip.qld.gov.au)>

**Subject:** Expression of Interest - new Joint Coordinating Committee

Dear Mayor Mosby and Mr Baldwin,

Thank you for your time at the recent meeting in Cairns on 12 November 2021 where we talked about opportunities presented through the Local Thriving Communities (LTC) reform and how the Queensland Government can best work to support the existing strengths and outcomes already being achieved by community leadership in the Torres Strait.

I write to advise you that there is currently a vacancy for a community representative Board member for the LTC Joint Coordinating Committee. The JCC is a mechanism for representatives from government (local, state and federal) and Queensland Aboriginal and Torres Strait Islander communities to provide advice and oversight for the co-design and implementation of the LTC reform. Its membership comprises 22 members including six community representatives, 11 state and federal government representatives, youth representative and five Mayoral representatives nominated by the Local Government Association of Queensland's Indigenous Leaders Forum. I co-chair the JCC, as the Director-General, Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships, along with a community representative (each community representative co-chairs on a rotational basis).

At its meeting on 8 December 2022 the JCC agreed that the Community Representative vacancy should be filled by engaging directly with the Torres Strait Island Regional Council (TSIRC) to provide an opportunity for a community representative from the Torres Strait to be nominated as a member of the JCC. Please find attached information about the role of a JCC community representative and the eligibility/suitably criteria which applies, noting it isn't possible for the community representative to be a councillor. JCC Community representatives are remunerated in line with the



Queensland Government Remuneration Procedures (attached – see Regulation, Administration and Advice, Level 3 on page 6).

The JCC meets a minimum of four and a maximum of six times per year maximum with four meetings to be scheduled in 2022. Where possible, JCC meetings are held in community but due to the COVID-19 situation, meetings have been held online. To date, due to COVID-19 limitations only one meeting has been held in community, in Yarrabah, but it is certainly the JCC's intention to hold meetings in community where possible.

Further information about the JCC, including copies of meeting Communiques, can be found on the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships website:

<https://www.dsdsatsip.qld.gov.au/our-work/aboriginal-torres-strait-islander-partnerships/reconciliation-tracks-treaty/tracks-treaty/local-thriving-communities/joint-coordinating-committee-jcc>

I would greatly appreciate your consideration of this offer. To nominate a community member for JCC membership please refer to the attached Selection Criteria and provide relevant information about the individual TSIRC proposes to nominate.

If you require further information please do not hesitate to contact myself or Tim Fell at [Timothy.Fell@dsdsatsip.qld.gov.au](mailto:Timothy.Fell@dsdsatsip.qld.gov.au) or 0491 211 314.

Thank you again for your leadership and support, which I recognise has been particularly challenge over the past months with the concerning increased risk of COVID-19 across your communities.

Kind regards

Chris

**Dr Chris Sarra**

Director-General

Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships

T: 07 3003 6451 | E: [chris.sarra@dsdsatsip.qld.gov.au](mailto:chris.sarra@dsdsatsip.qld.gov.au)



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# About Local Thriving Communities

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The Queensland Government is committed to working with the state's 19 remote and discrete Aboriginal and Torres Strait Islander communities to establish greater decision-making authority in service delivery and economic development through the Local Thriving Communities (LTC) reform.

LTC is a significant long-term reform that will embed change, resulting in a visibly different way of working alongside communities across the state to improve outcomes for Aboriginal and Torres Strait Islander Queenslanders.

This approach is based on mutual respect and high expectations relationships, applying a collaborative approach to give Aboriginal and Torres Strait Islander communities a greater voice in shaping their future.

Independent decision-making bodies will begin providing a representative voice for engaging with Queensland Government to:

- make decisions about their own future
- build on their strengths as a community
- invest in the things that will make communities stronger, that will make a difference to people's lives
- create thriving communities.

Community knowledge, research and evidence and lessons learnt over time will inform LTC, with the principles of self-determination, participation, equality and culture underpinning the initiative.

LTC will not replace existing decision-making structures.

## Background to the reform

The [Queensland Productivity Commission's inquiry into service delivery in remote and discrete Indigenous Communities](#) considered how resources should be best used to meet the needs of those communities.

The inquiry consulted with more than 500 stakeholders including members of those communities, and provided 22 recommendations for reform.

LTC will deliver the [Queensland Government's Response \(PDF, 521 KB\)](#) to the Queensland Productivity Commission's recommendations.

LTC is one element of Queensland's Tracks to Treaty: Reframing the relationship with Aboriginal and Torres Strait Islander Queenslanders initiative. Another element is Path to Treaty.

## How the reform will be designed

The LTC is a new way of working for both the Queensland Government and remote and discrete communities.

We will apply best practice for this reform by working with Aboriginal and Torres Strait Islander communities to co-design and implement the reform and establish local decision-making bodies, through engagement with government and key stakeholders.

This means we will seek advice and guidance from each community about how the decision-making bodies should work for their unique needs, and what needs to happen to establish them.

LTC supports Aboriginal and Torres Strait Islander Queenslanders to shape their own futures for their community.

## The Joint Coordinating Committee

The LTC reform is overseen by a [Joint Coordinating Committee](#) that meets between four and six times a year to provide advice and guidance on design and implementation.

## Community co-design journeys

Learn more about the [Local Thriving Communities co-design journey](#).

## How to be involved

Check this section regularly for updates about community engagement and events, the progress of the design, and outcomes from co-design activities.

## Contact us

For more information, or assistance with questions, please email us at [lrc@dssdssip.qld.gov.au](mailto:lrc@dssdssip.qld.gov.au).

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Last reviewed 5 November 2021

## Introducing Local Thriving Communities

Introducing Local Thriving Communities



[Transcript](#)



## Contact us

For more information, or assistance with questions, please email us at [lrc@dsdsatsip.qld.gov.au](mailto:lrc@dsdsatsip.qld.gov.au)



- [5 May 2021](#) (PDF, 128 KB)
- [17 March 2021](#) (PDF, 163 KB)
- [14 July 2021](#) (PDF, 169 KB)

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## Roles and responsibilities

All members will:

- **COMMIT:** work in a unified and collaborative way, acting as champions of the reframed relationship between Aboriginal and Torres Strait Islander peoples and the Queensland Government e.g. actions are underpinned by truth telling, listening, engaging and focussing on strengths
- **DESIGN:** influence the emerging design of the overarching framework and approach for the Local Thriving Communities reform; product and service development (such as guidance, tools, administrative processes); development of the legislative and evaluation frameworks
- **COMMUNICATE:** inform conversations about Local Thriving Communities reform at the community level (including with young people to ensure their views are heard), and across government (through sharing learnings and success stories)
- **INFLUENCE:** contribute to community and government readiness and planning for implementation including flexible and coordinated funding arrangements; financial considerations; ways to improve the accountability of government and community entities, and to improve the coordination and integration of programs and services

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## Contact us

Contact the Secretariat on (07) 3003 6519 or email [LTC.Secretariat@dsdsatsip.qld.gov.au](mailto:LTC.Secretariat@dsdsatsip.qld.gov.au)

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Last reviewed 3 August 2021



**Contact us**



## Local Thriving Communities - Joint Coordinating Committee

### Membership 2020 – 2022

NAME	POSITION
Ms Kelly Barclay	Community representative
Mr Michael Bond	Community representative
Ms Michelle Deshong	Community representative
Ms Joann Schmider	Co-Chair and Community representative
Ms Susan Sewter	Community representative
Mrs Patricia Yusia	Community representative
Mayor, Remote and discrete Aboriginal and Torres Strait Islander Council	Local Government representative
Mayor, Remote and discrete Aboriginal and Torres Strait Islander Council	Local Government representative
Mayor, Remote and discrete Aboriginal and Torres Strait Islander Council	Local Government representative
Mayor, Remote and discrete Aboriginal and Torres Strait Islander Council	Local Government representative
Mayor, Remote and discrete Aboriginal and Torres Strait Islander Council	Local Government representative
Director-General, Department of Aboriginal and Torres Strait Islander Partnerships	Co-Chair and Queensland Government representative
Deputy Director-General, Homelessness and Sport, Department of Housing and Public Works	Queensland Government representative
Deputy Director-General, Strategy, Department of Child Safety, Youth and Women	Queensland Government representative
Deputy Director-General, Justice Services, Department of Justice and Attorney-General	Queensland Government representative
Deputy Director-General, Community Services and Seniors, Department of Communities, Disability Services and Seniors	Queensland Government representative
Assistant Commissioner, Regional Queensland, Queensland Police Service	Queensland Government representative
Chief Aboriginal and Torres Strait Islander Health Officer, Queensland Health	Queensland Government representative
Deputy Director-General, State Schools Education, Department of Education	Queensland Government representative
Deputy Under Treasurer, Agency Performance, Queensland Treasury	Queensland Government representative
Deputy Director-General, Policy, Department of the Premier and Cabinet	Queensland Government representative
National Director, Regional Network, National Indigenous Australians Agency, Department of the Prime Minister and Cabinet	Commonwealth Government representative



## Joint Coordinating Committee (JCC) – Community representatives

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### Ms Kelly Barclay



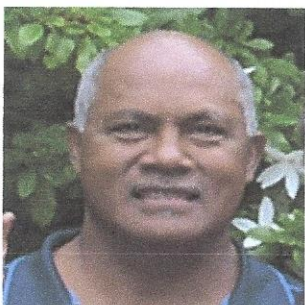
Ms Kelly Barclay identifies as a local Waanyi (North Gunnalunja) woman from Doomadgee with strong community connections. Ms Barclay is the current Team Leader, North West Remote Health (NWRH) managing the local NWRH Woolbubinya Wellbeing Centre. She has secretary and chairperson experience on various community councils and clubs including Yelladundgimarra Aboriginal Health Council, Doomadgee State School and My Pathways Community Advisory Board. Ms Barclay also possesses experience in policy development, mental health and community training and a strong knowledge of government processes. She is also involved in regional negotiations and partnerships for her community.

### Ms Susan Sewter



Ms Susan Sewter is a Lardil woman with connections to Gangalidda and Waanyi people. Ms Sewter maintains strong and respected relationships with remote and discrete communities, particularly Mornington Island. She is Chairperson of the Mornington Island Health Council and is a former Mayor of the Mornington Island Shire Council. Ms Sewter does advocacy for culture, children and families and women.

### Mr Michael Bond



Mr Michael Bond identifies as an Aboriginal and Torres Strait Islander man and a member of the Taepadthiggi Clan of the Mapoon area. Mr Bond has strong cultural and traditional knowledge. He is a respected leader with demonstrated experience in community and government engagement. Mr Bond is the Manager of New Mapoon Aboriginal Corporation. Mr Bond possesses demonstrated experience advocating for the rights, needs and aspirations for community, implementing initiatives and innovative ideas focused on achieving the goals and aspirations of First Australians.

## Ms Joann Schmider



Ms Joann Schmider is a FNQ tropical rainforest Mamu woman. Ms Schmider brings 30 years, experience across social, cultural, economic and environment Indigenous-related matters – in the connections between policy, programming, resourcing and outcomes – with community networks, organisations, government and academia. She has qualifications in education and training, community development, leadership, governance and research, and is doing PhD studies in supporting Aboriginal people in tourism cultural promotion.

## Ms Michelle Deshong



Ms Michelle Deshong identifies as a Kuku Yulanji woman from North Queensland. Ms Deshong works closely with individuals and communities to build leadership, governance and engagement approaches and is the CEO of the Australian Indigenous Governance Institute. She possesses significant executive-level experience in governance and community services management. Ms Deshong has a strengths-based approach to engagement and opportunities and has managed reform agendas. She also has extensive networks that enable her to engage with and maximise participation of Aboriginal and Torres Strait Islander community members.

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Last reviewed 22 June 2021





## Local Thriving Communities Joint Coordinating Communique – No. 5

**8 December 2021 – Brisbane and remotely via Teams**

The Local Thriving Communities Joint Coordinating Committee (JCC) met in Brisbane and online on 8 December 2021.

### **LTC Implementation**

Kelly Barclay co-chaired the final meeting of 2021. Dr Chris Sarra provided an acknowledgement of Country and Traditional Custodians in Brisbane and other parts of Queensland where members and guests were joining from online.

The co-chairs noted community representative Michelle Deshong standing down from the JCC. The Committee acknowledged the valuable contribution Michelle made to the Local Thriving Communities (LTC) reform utilising her strengths-based approach and cultural knowledge to inform LTC implementation and build cultural capability. The Committee considered membership and decided to use the vacancy to strengthen representation from the Torres Strait. The JCC will approach the Torres Strait Island Regional Council to assist with seeking expressions of interest for a community member due to their broad representative base across 15 islands.

The Committee noted LTC community implementation updates, including progress of interim local decision making bodies (LDMBs) and other leadership models and recent engagement, including in Cherbourg, Pompuraaw, Yarrabah, Torres Strait, Hope Vale and Wujal Wujal.

The Committee was pleased to hear an update from Mayor Aileen Addo, A/Chief Executive Officer Tim Rose and Councillor Kiri Tabuai of the Mapoon Aboriginal Shire Council on the formation and progress of the Interim Mapoon LTC Advisory Committee. The Committee heard how valuable the formation of the Interim LDMB has been for the Mapoon community providing a central point for coordination of government services and engagement and in turn providing a pathway for positive working partnership. The Council noted through this process the community now has a direct voice into decision-making, including on education for children in the community. The Interim LDMB met with the Department of Housing, Communities and Digital Economy on 25 November 2021 to discuss local housing priorities and provide input into the Mapoon Local Housing Plan. Committee members congratulated the Interim LDMB and welcomed the opportunity to work with them moving forward.

The Committee also noted the emerging LTC urban and regional local decision-making models including that the Mount Isa City Council and local First Nations community have expressed interest in establishing a local leadership group, with community safety and service delivery identified as key priorities.

An update was provided on the renewed approach to alcohol management and community-specific and co-designed Community Safety Plans submitted to date. On 10 November 2021 a workshop was held with representatives from the Torres Cape Indigenous Council Alliance (TCICA) members, and non-TCICA member council representatives and government agencies to discuss a number of community-led initiatives to tackle sly grog. A commitment was made by government to establish a senior working group with representation from government, Mayors and CEOS and other stakeholders.

Committee members noted the whole-of-government reform update, including progress of practice guidelines to assist communities in the establishment and operations of LDMBs. Further work has been done on cultural governance, representation, accountability to community about decision-making and principles of engagement with government. Interagency working groups have been meeting again to develop draft actions for the first LTC Action Plan. The Action Plan will progress for approval in early 2022.

Peter McKay, Queensland Public Service Reform Office consulted with the Committee about the work being undertaken to reform public sector legislation. The Department of the Premier and Cabinet is working with the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships to explore how public sector legislation can support the Queensland Government's commitment to reframing its relationship with Aboriginal and Torres Strait Islander Queenslanders. The Committee heard how legislative reform could embed



public sector decision making and governance principles that promote the perspectives of Aboriginal and Torres Strait Islander Queenslanders through free prior informed consent, respect, recognition, self-determination, strengths-based and shared accountability. The Committee noted that this work will be a key enabler of the LTC government reform agenda.

An update was provided on the National Agreement for Closing the Gap. The Committee noted that the Queensland Government is supporting the Queensland Aboriginal and Torres Strait Islander Coalition (QATSIC) to allow a partnership approach to implementation of the National Agreement. A Justice Policy Partnership is being progressed to address the over-representation of Aboriginal and Torres Strait Islander adults and young people in incarceration and to improve data and reporting around deaths in custody. A key reform is strengthening the community-controlled sector to deliver high quality services to meet the needs of Aboriginal and Torres Strait Islander people.

The Committee further discussed establishment of Place Based Partnerships to build and strengthen structures that empower Aboriginal and Torres Strait Islander people to share decision-making with governments. In addition to any nominated location for Queensland, the Committee recommended that the Commonwealth Government considers an additional Place Based Partnership for the Torres Strait, given its distinct culture.

The Committee closed by reflecting on the achievements of 2021 including the formation of interim LDMBs, the development of cultural governance resources to inform LTC and the successful community led meeting in Yarrabah in March 2021. The Committee plans to meet in community in 2022 pending any COVID-19 restrictions with Woorabinda and Palm Island being considered as possible locations. The Committee looked forward to reconvening in 2022 with meeting dates to be finalised out of session.

### LTC Joint Coordinating Committee Meeting 8 December 2021 Attendance

<b>Attendees</b>		Director-General, Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships
	Dr Chris Sarra (Co-Chair)	
	Ms Kelly Barclay (Co-Chair)	Community representative
	Ms Joann Schmider	Community representative
	Ms Susan Sewter	Community representative
	Mr Drew Ellem	Head, Policy and Performance, Queensland Treasury
	Ms Kate Connors	Deputy Director-General, Department of Children, Youth Justice and Multicultural Affairs
<b>Proxies</b>	Ms Ann Edwards (proxy for Jennifer Lang)	Project Director, Office of the Deputy Director-General, Department of Justice and Attorney-General
	Mr Rhys Newton (proxy for Paul Taylor)	A/Chief Superintendent, Queensland Police Service
	Ms Bronwyn Blagoev (proxy - Ms Natalie Wilde)	Executive Director, Strategy and Service Delivery, Department of State Development Infrastructure Government and Planning
	Ms Rachel Welch (proxy – Mr Mark Cridland)	Executive Director, Social Policy, Department of the Premier and Cabinet
	Ms Mamie Wettenhall (proxy for Mr Robert Willmet)	Regional Manager, North Queensland Region, National Indigenous Australians Agency.
	Mr Dion Coghlan (proxy – Mr Peter Kelly)	Assistant Director-General, State Schools – Disability & Inclusion, Department of Education
	Ms Sharon Kenyon (proxy for Darren Scott)	Executive Director, Aboriginal and Torres Strait Islander Housing Unit, Department of Communities, Housing and Digital Economy
<b>Guests</b>	Ms Zhanae Conway-Dodd	Youth community representative
	Mayor Mislam Sam	Mayor, Palm Island Aboriginal Shire Council
<b>Apologies</b>	Ms Jennifer Lang	Deputy Director-General, Justice Services, Department of Justice and Attorney-General
	Mayor Patricia Yusia	Mayor, Northern Peninsula Area Regional Council
	Mayor Janita Motton	Mayor, Napranum Aboriginal Shire Council
	Ms Haylene Grogan	Chief Aboriginal and Torres Strait Islander Health Officer Deputy Director-General, Queensland Health
	Mayor Kyle Yanner	Mayor, Mornington Shire Council
	Mr Michael Bond	Community representative
	Mayor Josh Weazel	Mayor, Woorabinda Aboriginal Shire Council
	Mr Paul Taylor	Deputy Commissioner, Queensland Police Service
	Mr Peter Kelly	Deputy Director-General, State Schools, Department of Education
	Mr Darren Scott	A/Deputy Director-General, Department of Communities, Housing and Digital Economy
		Group Manager, Eastern Group (Qld, NSW & ACT), Operations & Delivery, National Indigenous Australians Agency
	Mr Robert Willmet	



<b>Other Attendees</b>	Ms Natalie Wilde	Deputy Director-General, Department of State Development, Infrastructure, Local Government and Planning
	Mr Mark Cridland	Deputy Director-General, Department of the Premier and Cabinet
	Mayor Aileen Addo	Mapoon Aboriginal Shire Council
	Councillor Kiri Tabuai	Mapoon Aboriginal Shire Council
	Mr Tim Rose	A/Chief Executive Officer, Mapoon Aboriginal Shire Council
	Mr Peter McKay	Deputy Commissioner, Public Reform Office, Department of the Premier and Cabinet.
	Ms Denise Andrews	Director, Culture and Community Policy, Strategic Policy and Legislation, Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships
	Dr Bruce Visser	Director, Social Policy, Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships
	Mr Tim Fell	Executive Director, Local Thriving Communities (LTC), Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships.
	Ms Charlotte Young	Director, LTC, Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships.
	Ms Michelle Hoffman	Manager, Governance and Policy, LTC, Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships.
	Ms Margaret Ross-Kelly	Secretariat, LTC, Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships
	Ms Jaya Foley	Senior Policy Officer, LTC, Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships



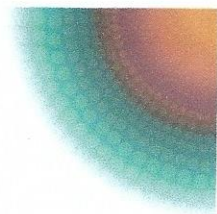


Queensland Government Response to the

# Queensland Productivity Commission Inquiry

into service delivery in remote and discrete  
Aboriginal and Torres Strait Islander  
communities





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## Introduction

In September 2016, the Queensland Government announced the Queensland Productivity Commission (QPC) would inquire into service delivery in remote and discrete Aboriginal and Torres Strait Islander communities.

The Inquiry was announced to respond to the concerns of Mayors and leaders of remote and discrete Aboriginal and Torres Strait Islander communities that the level of investment in all services (federal, State and non-government) had not delivered better outcomes for Aboriginal and Torres Strait Islander people living in remote and discrete communities. The QPC was asked to consider investment in remote and discrete Indigenous communities and what works well, and why, with a view to improving outcomes for Aboriginal and Torres Strait Islander people.

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*The Queensland Government, working through the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP), recognises the need to increase the economic participation, improve the community participation and promote the cultural recognition of Aboriginal and Torres Strait Islander Queenslanders.*

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This includes delivering on ongoing Government commitments to all Aboriginal and Torres Strait Islander Queenslanders to create more job opportunities, grow emerging businesses, increase home ownership, and support safe, caring and connected communities.

In Queensland's remote and discrete Aboriginal and Torres Strait Islander communities there is more work to be done to address existing levels of disadvantage.

Queensland's remote and discrete Indigenous communities account for seven of the top ten most economically and socially disadvantaged locations in Australia (at Census 2011). Aboriginal and Torres Strait Islander people living in these communities experience (relative to outcomes for non-Indigenous Queenslanders) much higher rates of unemployment, lower rates of school attendance, lower rates of home ownership and poorer health outcomes. Aboriginal and Torres Strait Islander people living in remote and very remote communities experience wellbeing outcomes in the areas of justice, child protection and domestic and family violence that are significantly below those of non-Indigenous Queenslanders.

Addressing these levels of disadvantage will require a new approach – one that moves away from our current model of high investment and low outcomes to a new model that is driven by improving community wellbeing.

## The QPC Final Report and Recommendations

The QPC provided its Final Inquiry Report (the QPC Final Report) to the Queensland Government on 22 December 2017. The QPC Final Report provides mixed results. It shows examples of good service delivery that can be built upon but most participants in the Inquiry process agreed that there are opportunities to improve how services are designed, funded and delivered that will work towards better outcomes for Aboriginal and Torres Strait Islander Queenslanders.

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*The Final Report provides a comprehensive approach in reviewing service delivery, and has identified the need for structural reform that builds stronger partnerships between communities and government, encourages community ownership and direction for investment and procurement decisions, and provides greater accountability for service providers and better outcomes in service delivery.*

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The QPC's substantial reform agenda for policy and service delivery includes:

- **Structural Reform** to transfer accountability and decision-making closer to communities and where services users are;
- **Service Delivery Reform** to put communities at the centre of service design; and
- **Economic Reform** to facilitate economic participation and community development.

The QPC Final Report notes that the reform proposal will need to be underpinned by capability and capacity building within Government, service providers and community and the timely and transparent transfer of data to measure performance and evaluate outcomes.

The Queensland Government is committed to working with communities to implement the proposed reform. We need to ensure that we get this reform right, and to do that we need to work with communities and stakeholders, so that together we can identify and implement workable solutions tailored to the needs of communities, government and service providers.



## The commitment to working with community on a new reform agenda

*The Queensland Government commits to working with community, other government and key stakeholders on this reform. The reform model proposed in the QPC Final Report provides a blueprint that can guide future collaboration and co-design between Queensland Government, remote and discrete Aboriginal and Torres Strait Islander communities, and other stakeholders, to improve outcomes.*

Some of this work is already underway. The Queensland Government submission to the QPC Inquiry highlighted where we are working together with remote and discrete communities to make a difference in life outcomes for Aboriginal and Torres Strait Islander Queenslanders. More effective, efficient and responsive service delivery in remote and discrete Aboriginal and Torres Strait Islander communities can contribute to closing the gap on Indigenous disadvantage. We are investing in innovative strategies by partnering with communities to improve engagement, improve the design, delivery and evaluation of services through community participation and integration, and improve local opportunities for economic participation to achieve wellbeing outcomes.

The Queensland Government submission also highlighted that work is already underway to increase community voice in service design and delivery and deliver economic participation opportunities. This work includes planning a new future for Queensland's welfare reform communities. In this process, the Queensland Government has supported:

- **a commitment to working collaboratively** with Aboriginal and Torres Strait Islander partners;
- **joint planning and decision-making** about priorities and the allocation of discretionary investment; and
- **increased accountability to funding outcomes** through transparent data and information sharing transparency and accountability.

However, it should be noted that the Queensland Government must consider the needs of all remote and discrete communities, and the need to respect the locally elected Indigenous Councils across the State.

## Queensland Government Response to the QPC Inquiry

The Queensland Government welcomes the QPC Final Report and its Recommendations. We thank the QPC Commissioner Kim Wood and the Presiding Commissioner Professor Bronwyn Fredericks and the Inquiry team for their significant work to deliver this QPC Final Report.

Communities, local councils, service providers and government agencies have undertaken extensive work to inform the QPC's Inquiry. The Queensland Government thanks all who participated for their contribution.

The Queensland Government expresses a long-term commitment to work with the 19 remote and discrete Aboriginal and Torres Strait Islander communities that include Indigenous Local Government Areas (Councils), their Mayors and community leaders, and other stakeholders to implement the intent of the proposed reform agenda.

### Addressing structural reform

The Queensland Government is committed to collaboration and co-design with community to implement structural reform to support the reform proposal. We will work with communities to:

- **establish new governance structures** that are representative of community voice, support local decision-making, streamline coordination, and support community-led service delivery that addresses the needs and priorities of community and result in improved outcomes; and
- **establish an independent body** to provide ongoing evaluation and oversight of government's performance in implementing the reforms by June 2019.

In recognising the significant role of Local Governments and the Federal Government in achieving the objectives of the reform proposal, and particularly the role of Indigenous Councils, the Queensland Government will work with communities, Councils and the Federal Government to develop improved ways of working together.

Subject to community agreement, it is anticipated that the first representative governance structures will begin to be established in the second half of 2019.

### Addressing service delivery reform

The Queensland Government commits to service delivery reform that focuses on the needs of individuals. We will work with communities to:

- **provide service delivery models** that suit the circumstances, remove impediments to communities providing services, place people at the centre of service delivery, are responsive to the needs of local Indigenous people, support longer-term developmental objectives and fund for outcomes; and
- **identify and expand existing government practice** that aligns with the QPC's reform proposal to support Government's and service providers' capacity and capability building towards the whole-of-Government service delivery reform.

### Addressing economic development

The Queensland Government commits to working with community to support their economic development to promote sustainability. We will work with community to develop and provide supports:



- to **Indigenous businesses and entrepreneurs** to drive economic and community development through private sector activity;
- to **grow the Indigenous community owned service delivery sector** to provide economic and community development opportunities, provide for community designed and driven service delivery, and provide for quality and affordability of services; and
- for the **capacity and capability building of local government** to support employment and local business opportunities through the growth and coordination of infrastructure development and council services.

Each community will have a tailored employment and economic development strategy.

## Building capability and capacity

The Queensland Government accepts the need for capacity and capability building for community and Government to support a long-term implementation of the reform. We will work with communities to:

- **develop and implement phased approaches** to reform implementation that are responsive to each community's capacity and capability;
- **support long-term capacity and capability building** of communities and local Indigenous community service organisations, including through providing opportunities to learn through experience and learn through failures; and
- **identify areas for Government's capability and capacity building** and develop a whole-of-Government transition plan to build capability and capacity across agencies.

## Supporting monitoring and evaluation for better outcomes

The Queensland Government accepts the need for timely and transparent data sharing to support the monitoring and evaluation of outcomes as part of the long-term implementation of the reform. We will work with communities to:

- **draw on community knowledge and expertise** in evaluation, support local decision-making, enable adaptive practice, and empower local communities to drive improvements in service design and delivery by providing communities timely, relevant and useful information and by involving communities in monitoring, evaluation and the design of progress indicators; and
- **develop a best-practice evaluation framework** that ensures access to relevant information for all stakeholders and that reporting is streamlined and compliance requirements are necessary and proportionate to the level of funding and risk while maintaining sufficient accountability for the use of public monies.

## Addressing engagement, oversight and implementation

In working with communities, the Queensland Government recognises the expertise of community members, the importance of addressing community priorities and of bringing government decision-makers to the table. The Queensland Government enters into this work committed to co-design of the reform agenda, and to deliver this work we will:

- **assign the Deputy Premier, Treasurer and Minister for Aboriginal and Torres Strait Islander Partnerships as ministerial lead** to be responsible for implementing the reform;
- establish a joint community and government oversight committee to provide governance and to steer development and implementation of the reforms by July 2018;
- **establish an Implementation Team** within DATSIP to work in close consultation with communities and agencies to develop the details of the reform and identify and implement



workable solutions, guided by the joint oversight committee and supported by the Deputy Premier; and

- **leverage the existing Ministerial Champions Program** and the supporting Government Champions Program to enable Champions to support the implementation of the reforms and provide direct accountability to communities and provide frontline government coordination in working with communities.