

AGENDA

TORRES STRAIT ISLAND REGIONAL COUNCIL

November 2022

Thursday 17th November 2022, 10:30am – 5:00pm

Friday 18th November 2022, 9:00am – 5:00pm

Cavalary Christian Church Cairns

COUNCIL ORDINARY MEETING

Thursday, 17th November 2022

Agenda Items:

- | | | |
|-----|--------------------------|--|
| 1. | <u>10:30am – 10:35am</u> | <u>Welcome and Opening Remarks</u> |
| 2. | <u>10:35am – 10:40am</u> | <u>Apologies</u> |
| 3. | <u>10:40am – 10:45am</u> | <u>Declaration of Conflict of Interest (COI) (Prescribed and Declarable)</u> |
| 4. | <u>10:45am – 10:50am</u> | <u>Confirmation of Previous Council Ordinary Meeting Minutes</u> <ul style="list-style-type: none">• 11th October 2022 |
| 5. | <u>11:00am – 11:05am</u> | <u>Confirmation of Economic Growth Standing Committee Minutes</u> <ul style="list-style-type: none">• 18th October 2022 |
| 6. | <u>11:05am – 11:10am</u> | <u>Confirmation of Strategic Advisory Reference Group Minutes</u> <ul style="list-style-type: none">• 4th October 2022• 1st November 2022 |
| 7. | <u>11:10am – 11:15am</u> | <u>Confirmation of Special Meeting Minutes</u> <ul style="list-style-type: none">• 4th November 2022• 7th November 2022 |
| 8. | <u>11:25am – 11:45am</u> | <u>Outstanding Council Ordinary Meeting Action Items (nil)</u> |
| 9. | <u>11:45am – 11:55am</u> | <u>CORPORATE – Community Grants Allocation Program – November 2022</u> |
| 10. | <u>11:55am – 12:15pm</u> | <u>BUILDING – BSU Update</u> |
| 11. | <u>12:15pm – 12:30pm</u> | <u>FINANCE – Procurement and Ethical Sourcing Policy</u> |

LUNCH 12:30pm – 1:30pm

- | | | |
|-----|------------------------|--|
| 12. | <u>1:30pm – 1:50pm</u> | <u>FINANCE – Sole Suppliers</u> |
| 13. | <u>1:50pm -2:05pm</u> | <u>FINANCE – Engagement of the Queensland Treasury Cooperation</u> |
| 14. | <u>2:05pm - 2:20pm</u> | <u>FINANCE – Audit Committee Membership Renewal</u> |
| 15. | <u>2:20pm – 2:35pm</u> | <u>FINANCE – Credit Card Policy</u> |
| 16. | <u>2:35pm – 2:35pm</u> | <u>COUNCIL MOVES INTO CLOSED BUSINESS</u> |
| 17. | <u>2:35pm - 2:45pm</u> | <u>FINANCE – CB Financial Dashboard Report 2022</u> |
| 18. | <u>2:45pm – 2:45pm</u> | <u>COUNCIL MOVES OUT OF CLOSED BUSINESS AND RESUMES IN OPEN BUSINESS</u> |
| 19. | <u>2:45pm – 3:05pm</u> | <u>Deputation 1 TCCHHS</u> |
| 20. | <u>3:05pm – 3:20pm</u> | <u>CORPORATE SERVICES – Operational Plan 2022-23 Q1 Update</u> |

AFTERNOON TEA 3:30pm – 3:45pm

- | | | |
|-----|------------------------|--|
| 21. | <u>3:45pm – 4:00pm</u> | <u>Deputation 2 Cynthia Lui, Member for Cook</u> |
| 22. | <u>4:00pm – 4:20pm</u> | <u>LEGAL – Addressing Councillor COI re GBK</u> |
| 23. | <u>4:20pm – 4:45pm</u> | <u>Closing Remarks and Prayer</u> |

COUNCIL ORDINARY MEETING

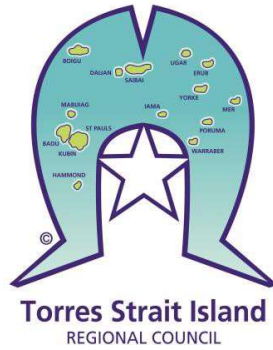
Friday, 18th November 2022

Agenda Items:

- | | | |
|-----|--------------------------|--|
| 24. | <u>9:00am – 9:10am</u> | <u>Welcome and Opening Prayer.</u> |
| 25. | <u>9:10am – 9:25am</u> | <u>CORPORATE – Change of December OM meeting place – Late</u> |
| 26. | <u>9:25am – 9:45am</u> | <u>OFFICE OF THE CEO – Mirabou Energy - Late</u> |
| 27. | <u>9:45am – 10:15am</u> | <u>CORPORATE – CB - Regional Organisation and ROC – Late</u> |
| 28. | <u>10:15am – 10:25am</u> | <u>Business Arising from Information Reports</u> |
| 29. | <u>10:25am – 10:25am</u> | <u>Next Council Meeting Date – 13th and 14th December 2022</u> |

MORNING TEA – 10:25am – 11:00am

- | | | |
|-----|--------------------------|---|
| 30. | <u>11:00am – 11:45am</u> | <u>Deputation 3 Hon. Mark Bailey, Minister for Transport and Main Roads</u> |
| 31. | <u>11:45am – 11:55am</u> | <u>Strategic Matters</u> |
| 32. | <u>11:55am – 12:00pm</u> | <u>Closing Remarks and Prayer</u> |



Draft Minutes

TORRES STRAIT ISLAND REGIONAL COUNCIL

October 2022

Tuesday 11th October 2022, 10:30am – 4:40pm

Video Conference

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, Deputy Mayor, 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:

Mr James William, Chief Executive Officer (CEO)
Ms Hollie Faithfull, Executive Director, Financial Services (EDFS)
Mr David Baldwin, Executive Director, Engineering Services (EDES) – joined 10:30
Mr Wayne Green, Executive Director Building Services (EDBS)
Mr Peter Krebs, Acting Executive Director Corporate Services (A/EDCS)
Ms Julie Marino, Executive Assistant to the CEO (EA)
Ms May Mosby, Acting Secretariat Officer (A/SO)

APOLOGIES:

Nil

COUNCIL ORDINARY MEETING

Tuesday, 11th October 2022

Agenda Items:

1. **10:30am – 10:32am** **Welcome and Opening Remarks**

Mayor Mosby reconvened the Council Ordinary Meeting for the month of October and made a roll call of each Councillor to establish a quorum.

2. **10:32am – 10:32am** **Apologies**

Nil

3. **10:32am – 10:33am** **Declaration of Conflict of Interest (COI) (Prescribed and Declarable)**

Mayor Mosby encouraged Councillors to make a declaration of a Conflict of Interest or any relevant legal proceedings at any time during the meeting.

4. **10:33am – 10:37am** **Confirmation of Previous Council Ordinary Meeting Minutes**

- 20th September 2022

RESOLUTION:

Moved: Cr Aven Noah; Second: Cr Hilda Mosby

That Council resolves to accept the minutes of the Ordinary Meeting held on 20th September 2022 to be a true and accurate account of that meeting.

MOTION CARRIED UNANIMOUS

- 21st September 2022

RESOLUTION:

Moved: Cr Jimmy Gela; Second: Cr Francis Pearson

That Council resolves to accept the minutes of the Ordinary Meeting held on 21st September 2022 to be a true and accurate account of that meeting.

MOTION CARRIED UNANIMOUS

5. **10:37am – 10:56am** **Outstanding Council Ordinary Meeting Action Items**

Mr James William, Chief Executive Officer provided a verbal update on the action items from September's meeting and gave an opportunity to the relevant Executive Staff to comment on their actions to date.

6. **10:56am – 11:08am** **CORPORATE – Funding Acquisition Report**

Mr Peter Krebs, Acting Executive Director Corporate Services spoke to the report. The report provides an update on and summary of Council's recent grant acquisition activities.

RESOLUTION:

Moved: Cr Torenzo Elisala; Second: Cr Francis Pearson

That Council resolves to note this report and its content.

MOTION CARRIED UNANIMOUS

7. **11:08am – 11:33am** **CORPORATE – Community Grants Program – October 2022**

Mr Peter Krebs, Acting Executive Director Corporate Services spoke to the report.

Malu Kiwai

RESOLUTION:

Moved: Cr Francis Pearson; Second: Cr Rocky Stephen

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

- Malu Kiwai – for the eligible amount of \$2,500.00 exclusive of GST, as per submitted application

MOTION CARRIED UNANIMOUS

Cr Torenzo Elisala declared a prescribed Conflict of Interest as his brother is a team member of Malu Kiwai Football Team. Upon legal advice, Cr Torenzo Elisala remained in the meeting.

Iama Garrkazil Men's Group

RESOLUTION:

Moved: Cr Getano Lui; Second: Cr Jimmy Gela

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

- Iama Garrkazil Men's Group – for the eligible amount of \$500.00 exclusive of GST, as per submitted application noting that Iama Garrkazil Men's Group applied for \$1,500.00

MOTION CARRIED UNANIMOUS

Cr Getano Lui advised he was not aware of the Men's Group that applied for a community grant and would like to see action on ground before supporting a project. Cr Lui advised that he will approve \$500.00 and will speak on the matter at their next community meeting.

Further discussions were had in that community members applying for community grant for a project should approach the Councillor in their community so the Councillor is aware of the community grant application.

Regional Grants Application:

Malu Kiwai :

RESOLUTION:

Moved: Cr Aven Noah; Second: Cr Dimas Toby

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

- Malu Kiwai – for the eligible amount of \$2,500.00 exclusive of GST, as per submitted application.

MOTION CARRIED UNANIMOUS

Cr Torenzo Elisala declared a prescribed Conflict of Interest as his brother is a team member of Malu Kiwai Football Team. Upon legal advice, Upon legal advice, Cr Torenzo Elisala remained in the meeting.

8. **11:33am – 11:47am** **BUILDING – BSU Update**

Mr Wayne Green, Executive Director Building Services spoke to the report.

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr Laurie Nona

Council resolves to note the Building Services Report for September 2022

MOTION CARRIED UNANIMOUS

11:41am - Cr Laurie Nona left the meeting.

11:41am – Cr Kabay Tamu left the meeting.

11:42am – Cr KabayTamu re-joined the meeting.

11:43am – Cr Laurie Nona re-joined the meeting.

9. **11:47am – 11:52am** **LEGAL – Development Application: Masig Lot 29 on SP277431**

Mr Peter Krebs, Manager Legal Services/Acting Executive Director Corporate Services spoke to the report.

RESOLUTION:

Moved: Cr Hilda Mosby; Second: Cr Torenzo Elisala

Council resolves to:

- issue a Development Permit for Development Application DA05-22-12(1) 'Reconfiguration of a Lot' (1 Lot into 2 Lots) for proposed Lot 291 and proposed Lot 292, cancelling Lot 29 on SP277431, with the inclusion of the conditions set out in Part 4 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 the survey plan for registration.

MOTION CARRIED UNANIMOUS

11:49am – Ms Hollie Faithfull, Executive Director Financial Services joined the meeting.

10. **11:52am – 11:58am** **FINANCE – 2021/2022 Financial Statements**

Ms Hollie Faithfull, Executive Director Financial Services spoke to the report.

RESOLUTION:

Moved: Cr Torenzo Elisala; Second: Cr Francis Pearson

That Annual Financial Statements for the year ended 30 June 2022 be received and adopted.

MOTION CARRIED UNANIMOUS

Ms Hollie Faithfull advised she is happy to discuss further one on one with Councillors at the November Workshop.

Mayor Mosby and Councillors extended their sincere thanks and gratitude to Hollie and her Finance Team on a job well done to reach an unqualified audit.

11. **11:58am – 12:16pm** **FINANCE – Auditor-General's Observation Report on the Audit of the 2021/2022 Torres Strait Island Regional Council Financial Statements**

Ms Hollie Faithfull, Executive Director Financial Services spoke to the report.

RESOLUTION:

Moved: Cr Jimmy Gela; Second: Cr Keith Fell

That Council note the Auditor-General's Observation Report on the audit of the 2021/2022 Torres Strait Island Regional Council Financial Statements.

MOTION CARRIED UNANIMOUS

Mayor Mosby and Councillors extended their sincere thanks and gratitude to Hollie and her Finance Team on a job well done.

12. **12:16pm – 12:25pm** **ENGINEERING – Award Tender No. TSIRC 2022-363 Marine Initiatives Ugar Jetty Remedial Works**

Mr David Baldwin, Executive Director Engineering Services spoke to the report.

RESOLUTION:

Moved: Cr Francis Pearson; Second: Cr Jimmy Gela

That Council resolves to:

1. Award the Tender No. TSIRC 2022-363 Marine Initiatives – Ugar Jetty Remedial Works, to Paul Ware Constructions Pty Ltd for an amount of up to \$225,324.00 excl. GST.

And

2. Pursuant to section 257 of the *Local Government Act 2009*, Council delegates to Chief

Executive Officer:

- Power to make, amend or discharge any required approvals and or funding agreements with relevant funding bodies in relation to this project; and

- Power to negotiate, finalise, and execute any and all matters associated with or in relation to this project, contracts and funding including without limitations to any options and/or variations as per Council's procurement and ethical sourcing policy.

MOTION CARRIED UNANIMOUS

13. 12:25pm – 12:25pm COUNCIL MOVES INTO CLOSED BUSINESS

RESOLUTION:

Moved: Cr Torenzo Elisala; 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 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

- 14. CORPORATE – CB – Satellite Services Network Upgrade
- 15. FINANCE – CB – Financial Dashboard Report – September 2022
- 16. ENGINEERING – CBv – Fuel Pricing Update
- 17. ENGINEERING – CB - Marine Infrastructure Project Bids
- 18. ENGINEERING – CB – Funding Matter – Metal Waste Legacy Stockpile Clean-Up Project – Additional Funding Agreement

3:11pm – 3:11pm COUNCIL MOVES OUT OF CLOSED BUSINESS AND RESUMES IN OPEN BUSINESS

RESOLUTION:

Moved: Cr Hilda Mosby; Second: Cr Torenzo Elisala

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

MOTION CARRIED UNANIMOUS

Resolutions and Minutes for noting following closed business:

12:25pm – 12:42pm CORPORATE – CB – Satellite Services Network Upgrade

RESOLUTION:

Moved: Cr Rocky Stephen; Second: Cr Lama Trinkoon

Council resolves to:

1. Authorise the upgrade of the Torres Strait Island Regional council MPLS network to satellite service connectivity combined with 4G redundancy with a cost to council of \$351,000.00
And
2. Pursuant to Section 257 of the Local Government Act 2009 delegates to the Chief Executive Officer power to make, amend or discharge any required approvals and or funding agreements with relevant funding bodies in relation to this project;
And
Power to negotiate, finalise and execute any and all matters associated with or in relation to this project, contracts and funding including without limitations to any options and/or variations as per council's procurement and ethical sourcing policy.

MOTION CARRIED UNANIMOUS

LUNCH: 12:42PM – 1:42PM

1:45pm – 2:01pm

FINANCE – CB – Financial Dashboard Report – Late

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr Francis Pearson

That Council receive and endorse the monthly financial statements attached to the officer's report for the 2022-23 year to date, for the period ended 30 September 2022, as required under Section 204 *Local Government Regulation 2012*.

MOTION CARRIED UNANIMOUS

1:58pm - Cr Laurie Nona joined the meeting.

2:00pm – Ms Hollie Faithfull, Executive Director Financial Services left the meeting.

2:01pm – 2:15pm

ENGINEERING – CB – TSIRC Fuel Price Update

2:04pm – Cr Laurie Nona left the meeting

2:10pm – Cr Laurie Nona re-joined the meeting

RESOLUTION:

Moved: Cr Hilda Mosby; Second: Cr Laurie Nona

That the Council notes the report and maintains fuel pricing as per current fees and charges.

MOTION CARRIED UNANIMOUS

2:15pm – 3:01pm

**ENGINEERING – CB – Marine Infrastructure Funding-
Late**

RESOLUTION:

Moved: Cr Torenzo Elisala; Second: Cr Conwell Tabuai

Council resolves to:

- Submit to the Commonwealth Government Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department) the proponent projects Dauan and Saibai Marine Infrastructure Upgrades; and
- Delegates authority to the Chief Executive Officer under the provisions of the *Local Government Act 2009* to prepare, submit, and manage the submission process to enable the Department to assess the projects and commence program administration.

MOTION CARRIED UNANIMOUS

2:31pm – Cr Kabay Tamu left the meeting.

2:38pm – Cr Kabay Tamu re-joined the meeting.

2:55pm – Cr Aven Noh left the meeting (school run)

3:01pm – 3:11pm

**ENGINEERING – CB - TSIRC Metal Waste Clean-up
Project – Funding Agreement – Late**

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr Hilda Mosby

Council resolves to:

- Enter into the proposed funding agreement, to complete the TSIRC Metal Waste Legacy Stockpile Clean-Up Project, administered by the Department of Environment and Science, for the total grant sum of \$1,750,000.00 (excl. GST).

and

- Delegate authority to the Chief Executive Officer under the provisions of the *Local Government Act 2009*:
 - power to make, amend or discharge the funding agreement; and
 - power to negotiate, finalise and execute any and all matters associated with or in relation to this funding agreement including without limitation any options and/or variations.

MOTION CARRIED UNANIMOUS

22. **3:16pm – 3:20pm** **CORPORATE – Annual Report 2022**

Mr Peter Krebs, Acting Executive Director Corporate Services spoke to the report. The annual report provides an assessment of operations of Council for the 2021-2022 financial year.

RESOLUTION:

Moved: Cr Francis Pearson; Second: Cr Keith Fell

Council resolves to:

1. Adopt the Annual Report for the period of 1 July 2021 to 30 June 2022 for the Torres Strait Island Regional Council in accordance with the requirements of the *Local Government Act 2009* and associated regulation, subject to Audit review and approval.
2. Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to make minor administrative amendments and finalise all matters associated with publishing this report.

MOTION CARRIED UNANIMOUS

23. **3:20pm – 3:40pm** **COMMUNITY SERVICES – AR – Special Holidays 2023 –**
Late

3:24pm – Cr Aven Noah re-joined the meeting.

Mr Dawson Sailor, Head of Community Services spoke to the report. The purpose of the report is to seek Council's endorsement of the 2023 nominated special holidays.

The proposed special holidays region wide to be removed:

TSIRC Amalgamation Day – Motion lost

Community Services (Act) Day – Motion lost

Specific Division Holidays to be removed:

Hammond – Patron St Joseph Day

Hammond – Church Opening day

Masig – Halfway Island Native Title Determination Day

Masig – Parish of Ioane – Independent Church of Torres Strait

Masig – Aureed Island Native Title Determination Day

Poruma – Zaranguai Day

Poruma – Indigenous Protected Area Celebration

RESOLUTION:

Moved: Cr Aven Noah; Second: Cr Francis Pearson

That the Council

- Endorse Council nominated 2023 Special Holidays outlined in Attachment A to this report
- And
- delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to submit the final list of 2023 special holidays to the Minister for Industrial Relations, for approval.

MOTION CARRIED UNANIMOUS

24. **3:40pm – 3:42pm** **Change of November OM meeting date**

Mr Peter Krebs, Acting Executive Director Corporate Services spoke to the report.

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr Conwell Tabuai

Council resolves to move the November 2022 Ordinary Meeting of Council from 14-15 November 2022 to 17-18 November 2022.

MOTION CARRIED UNANIMOUS

25. **3:42pm – 3:54pm** **Business Arising from Information Reports**

Mayor Mosby gave an opportunity for Councillors to raise any matters in the Information Reports.

Cr Aven Noah asked on the progress of the current vacancies of the Divisional Manager and Healthy Lifestyle Officer on Mer. Mr Dawson Sailor, Head of Community Services to update Cr Aven Noah offline of the current vacancies.

Cr Keith Fell enquired on hiring extra Multi Skilled Administration Officers in order to keep the office operating all day.

Cr Seriako Dorante raised concerns on the ongoing issues with engineering operations on ground.

26. **3:54pm – 4:38pm** **Strategic Matters**

Mayor Mosby gave an opportunity for Councillors to raise any strategic matters.

Cr Conwell Tabuai

Cr Tabuai expressed his gratitude of thanks and appreciation to Mua and Kubin Councils and onground TSIRC staff on the recent plane incident.

Cr Getano Lui

Cr Lui raised the border opening on the 19th October and to ensure everyone are aware.

Cr Keith Fell:

Cr Fell advised that service flights with skytrans has been cancelled for a couple of days now causing grief for families wanting to attend funerals and PO's not paid on time.

Attendance at the LGAQ conference.

Closing the Gap Conference next year.

Cr Seriako Dorante

Cr Dorante to contact Chief Executive Officer after the meeting regarding the November workshop of his apology at the November workshop however he will participate in Council Ordinary Meeting.

Cr Dimas Toby

Cr Toby advised he spoke to Cr Laurie Nona and he is in agreeance on moving the December meeting location from Badu to Boigu to align with the seawall opening.

4:16pm - Cr Lama Trinkoon left the meeting.

Cr Kabay Tamu

Cr Tamu spoke on climate change issues in the region and to take into account the UN case.

Mayor Mosby advised to put this matter on the agenda of the Climate Change Committee to provide advice on an action plan.

27. **4:38pm – 4:38pm** **Next Council Meeting Date – 17th and 18th November 2022**

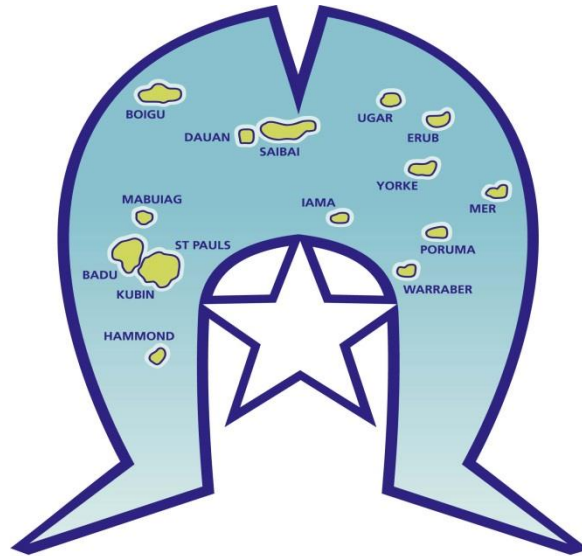
28. **4:38pm – 4:40pm** **Closing Remarks and Prayer**

Mayor Mosby thanked Councillors and Executive Staff for their attendance and participation in the meeting today and invited Cr Francis Pearson to close the meeting in a word of prayer.

MEETING CLOSED – 4:40PM

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

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



Torres Strait Island
REGIONAL COUNCIL

Draft Minutes

ECONOMIC GROWTH COMMITTEE

Date: 18th October 2022
Time: 10:10am to 12:45pm
Venue: VMR #7 – 0299 165 401

PRESENT:

Cr Rocky Stephen – Chair – Ugar (Stephen)
Cr Jimmy Gela – Committee Member – Division 14, Erub
(Darnley)
Ms Hollie Faithfull, Executive Director Financial Services
Ms May Mosby, Secretariat Officer

APOLOGIES:

Cr Conwell Tabuai – Committee Member – Division 3, Saibai

Agenda

1. Welcome (Chair)

Chair, Cr Rocky Stephen welcomed Cr Jimmy Gela and Staff to the meeting.

2. Opening Prayer

Chair, Cr Rocky Stephen opened the meeting in a word of prayer at 10:10am.

3. Apology

- Cr Conwell Tabuai

RESOLUTION:

Move: Cr Jimmy Gela; Second: Cr Rocky Stephen

That the Economic Growth Committee accepts the apology of Cr Conwell Tabuai for his absence at this meeting.

MOTION CARRIED UNANIMOUS

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

No Conflict of Interest from Cr Rocky Stephen

Cr Jimmy Gela declared a Conflict of Interest on the following positions:

- Board member of GBK and CDEP

Executive Director Financial Services advised that due to no legal representative present to provide legal advice, that Cr Gela dial out of the meeting when GBK is mentioned.
(Please check with Hollie wordings are correct)

5. Noting of previous Ratified Minutes – 27th January 2022

- 27th January 2022 – VC - Ratified at February 2022 Ordinary Meeting

RESOLUTION:

Move: Cr Rocky Stephen; Second: Cr Jimmy Gela

That the Committee notes the Minutes of the meeting held on 27th January 2022 as true and accurate account of that meeting.

MOTION CARRIED UNANIMOUS

6. Action Items List

Ms Hollie Faithfull, Executive Director Financial Services provided the Committee with an update from January's actions items.

7. Enterprise Development Strategy – Verbal

11:06am – Ms Melissa Wright, Acting Manager, Enterprise Development & Delivery joined the meeting and spoke on the topic. The Enterprise Development Strategy is jointly funded through the Gambling Community Benefit Fund whereby we requested an extension of that funding until June 2023. No further extensions will be given and we therefore need to get this strategy happening sooner rather than later. TSRA is partially funding the strategy through flights out of the Tourism Officer and Events Coordinator program. That program is now finished however flights are sitting in credit with BLT. Awaiting approval from TSRA to keep the flight credits. Further discussions were had on this topic.

ACTION: Executive Director Financial Services to work offline with Cr Stephen and Manager Enterprise Development & Delivery to prepare a consultation schedule, based on the availability of the consultant, to endorse at the next SARG meeting on the 29th of November 2022 (last SARG meeting for the year).

8. Enterprise Divestment Policy – Verbal

Ms Hollie Faithfull, Executive Director Financial Services spoke to this topic.

Former Manager Legal Services, Mr Peter Krebs, have proposed to workshop this policy at the November Workshop so that there could be further discussions on the matter and that the Senior Legal Officer could get some direction in relation to where the policy needs to go and what concerns the legal team has. Cr Rocky Stephen asked if a time could be allocated at the November workshop for this topic.

ACTION: Executive Director Financial Services to take this subject offline to discuss further with Cr Rocky Stephen.

9. Ugar and Dauan Community Access Business Case – Verbal

Ms Melissa Wright, Acting Manager Enterprise Development and Delivery spoke to the topic. No further progress to report. Funding has not been secured. TSRA had indicated that we can utilise some of the money from Ugar Safe Access Funding Agreement. Looking at \$75k to complete the business case using the same consultant that would be doing the Enterprise Development Strategy to save money.

ACTION: That a letter be drafted and sent to the Chief Executive Officer of TSRA before the next TSRA board meeting.

ACTION: Executive Director Financial Services to send to the Committee Members a copy of the letter to TSRA.

11:32am – Cr Stephen thanked Melissa for her providing the update. Melissa left the meeting.

10. Procurement and Ethical Sourcing Policy

10:25am – Ms Nicola Daniels, Head of Financial Services joined the meeting and spoke to the topic on the draft Procurement Policy and explained what the policy entails. The policy highlights the importance of local procurement Council and the new sections of the policy have been highlighted in yellow which is not in the current policy on the website. Strong focus is on promoting local procurement opportunities so we can deliver improved economic environmental and social outcomes for the region and people.

RESOLUTION:

Moved: Cr Jimmy Gela; Second: Cr Rocky Stephen

That the Economic Growth Committee supports the endorsement of the Procurement & Ethical Policy and recommend for presentation at the November 2022 SARG Meeting.

MOTION CARRIED UNANIMOUS

Cr Stephen thanked everyone involved in putting the policy together especially, Nicola, Hollie and Peter from Peak Services and to pass Chair's appreciation to Peter.

11:05am – Ms Nicola Daniels, Head of Financial Services left the meeting.

11. Copper services solution in Torres Strait Update

11:34am – Mr Warren Jenkins, Manager IT Services joined the meeting and provided the Committee with an update on the copper wire solution and satellite services. Warren advised the cut off is the end of February 2023. In preparation for this we have submitted the designs for the satellite service to be put in place. Funding will be through the capital budget. The actual plan for the network upgrade comes in two parts as 4G service and satellite service. The satellite service will be the main carrier as it is the fastest and most reliable connection particularly during inclement weather and if the service fail then it will fail over to 4G.

Further discussions were had on the topic.

ACTION: That the Corporate Services Team write a report in relation to the effect the ending of the copper wire services will have on community.

12. Submarine Telecommunication Cable viability for TSIRC

11:40am – Mr Jacob Matysek, Executive Officer joined the meeting.

Mr Jacob Matysek provided an update on the Hawaiki Nui submarine cable. The project is still ongoing and currently in the preliminary stages of undergoing feasibility studies. Not much has progressed since our last May Workshop in terms of their stakeholder engagements.

Jacob spoke further on the subject.

Cr Stephen asked that this topic be kept on the agenda to check on progress.

Cr Stephen thanked Jacob and Warren for their updates.

12:02pm – Mr Jacob Matysek and Mr Warren Jenkins left the meeting.

13. Economic Development Policy and Plan – Verbal

Cr Stephen spoke to the topic. This topic was raised by Mayor Mosby in October's SARG meeting. We presently do not have a policy around economic development.

ACTION: Executive Director Financial Services to check with Jacob if there is availability for the Enterprise Divestment Policy to be workshopped at the November Workshop to get some direction and a way forward with the economic development policy.

14. COMMITTEE MOVES INTO CLOSED BUSINESS

RESOLUTION:

Moved: Cr Jimmy Gela; Second: Cr Rocky Stephen

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:

(e) 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 UNANIMOUS

- 15.** Elphinstone Close – CB – Verbal
- 16.** Fuel Business Proposal – Verbal
- 17.** Building Services Unit (BSU) Update – Verbal
- 18.** CDEP Proposal Submission – Verbal

COMMITTEE MOVES OUT OF CLOSED BUSINESS AND RESUMES IN OPEN BUSINESS

RESOLUTION:

Moved: Cr Rocky Stephen; Second: Cr Jimmy Gela

That the Committee move out of Closed Business.

MOTION CARRIED UNANIMOUS

Elphinstone Close Business Proposal – Verbal

Ms Hollie Faithfull suggested to leave this topic on the agenda for the next meeting scheduled for 2nd December 2022.

ACTION: Secretariat Officer to add this agenda topic to the next meeting agenda on 2nd December 2022 for a further update to the Committee.

ACTION: Executive Director Financial Services to find out timeframe on the works undertaken and respond back to the committee before it goes to SARG.

Fuel Business Proposal – Verbal

Topic noted on the agenda for the November Workshop.

Building Services Unit (BSU) Update – Verbal

ACTION: Mr Wayne Green, Executive Director Building Services to attend the 2nd of December Committee Meeting to provide an update on the re-design of BSU.

CDEP Proposal Submission – Verbal

This topic will be workshopped at the November Workshop.

Ms Hollie Faithfull to check with Legal regarding Cr Jimmy Gela's participation.

19. General/ Other Business (on notice)

Cr Stephen spoke on the following matters:

- World Indigenous Tourism Summit held in Perth next year on the 13-16 March 2023. Hollie to investigate further.
- Use of their Professional Development Fund.
- Email sent to the Committee members if they are interested in attending the summit, noting the closing date of registration and the costs.
- What is the process of inviting representatives from the region to our meetings. Extend a meeting invite to Fraser Nai to do a presentation and also Daniel Takai from ZK Fisheries.

ACTION: Ms Hollie Faithfull to find out the deputation process to deputise at committee meetings.

- Outboard mechanic – Do a business proposal. Tap into TSRA for funding.

Cr Jimmy Gela enquired as to how locals could start their own business on their vacant land. Hollie to pass this topic to Legal for their advice and raise at the November Council meeting.

20. Next meeting date:

– Friday, 2nd December 2022 - 10am – 12pm

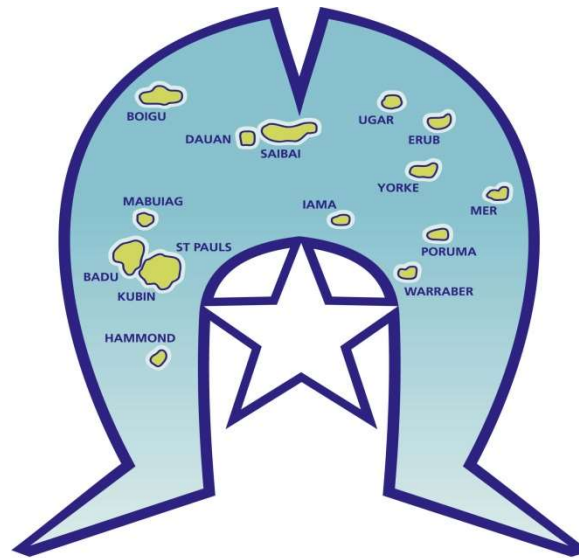
21. Closing Remarks and Prayer

Chair, Cr Rocky Stephen thanked everyone for their attendance and participation at today's Committee Meeting and closed the Committee Meeting in a word of prayer.

MEETING CLOSED – 12:45PM

.....
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 4th October 2022

Time: 1:05pm to 3:08pm

Venue: Video Conference

PRESENT:

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

STAFF:

Mr James William, Chief Executive Officer
Ms Hollie Faithfull, Executive Director Financial Services
Mr David Baldwin, Executive Director Engineering Services
Mr Wayne Green, Executive Director Building Services
Mr Dawson Sailor, Head of Community Services
Ms Julie Marino, Executive Assistant to the CEO
Ms May Mosby – Secretariat Officer

APOLOGIES:

Mr Peter Krebs, Acting Executive Director Corporate Services

1. **Welcome (Chair)**

Mayor Phillemon Mosby welcomed SARG Members, Chief Executive Officer and Executive Staff to the October SARG meeting at 1:05pm and acknowledged the following:

- Our Heavenly father for his awesome wisdom, knowledge and understanding upon our lives;
- Traditional owners from the land we are dialling from across the length and breadth of Zenadth Kes and Cairns.
- Pay respects to families in sorry business for the loss of their loved ones throughout the region and on the mainland.

Mayor Mosby expressed his appreciation to the SARG leadership on the recent incident on Mua Island and the respective Councillors on the ground for both St Pauls and Kubin. Mayor also expressed his appreciation to Chief Executive Officer, Executive Director Engineering Services and TSIRC Staff for ensuring Council's presence in community in the last 24 hours.

2. **Opening Prayer**

Mayor Mosby invited Cr Rocky Stephen to open the meeting in a word of prayer.

A minute's silence was observed as a mark of respect to families in sorry business throughout the region and on the mainland.

3. **Apologies**

Nil

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

Mayor Mosby encouraged Councillors to make a declaration of a Conflict of Interest or any relevant legal proceedings at any time during the meeting.

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

- 2nd August 2022 – VC – ratified at August 2022 OM

RESOLUTION:

Moved: Cr Aven Noah; Second: Cr Rocky Stephen

That the Minutes for the SARG meeting held on 2nd August 2022 be adopted as a true and correct account of the meeting.

MOTION CARRIED UNANIMOUS

Mr James William, Chief Executive Officer introduced his new Executive Assistant, Ms Julie Marino to SARG members.

6. **Strategic Action Items Review**

Mr James William, Chief Executive Officer provided an update on the strategic action items.

7. **Mayor – Verbal**

1. November Council Leadership Workshop | Draft to be confirmed with CEO.

- Dates locked in for 7th – 18th November 2022.
- Proposed changes to Council meeting dates to end of the week on the 17th and 18th November 2022.
- Focus would be to engage with Ministers and the sooner we confirm the sooner we can reach out to Ministerial Champion, Sharon Fentiman and Member for Cook and to seek their assistance to lobby with other Ministers to be in Cairns to talk with us.
- In light of the recent plane incident our priority will be for us to talk to the Minister for Transport.
- Fuel Proposal and a paper on Elphinstone Close.
- Clean Energy Mirabou
- CDEP Submission Framework
- ROC – 3 local governments – 2 meetings planned in October and November.
- ATSIC Act Review in particular, the regional assembly aspiration
- Advocacy Policy and Plan

Mayor spoke on the email circulated to all SARG members on the 28th of September of the proposed draft Agenda for the November workshop:

1st week in November – 7 – 11 November 2022

5th and 6th November 2022 - Propose to fly Councillors down

7th November will be the audit budget review; Fuel Proposal

8th November – Continuation of Budget review; Clean Energy Mirabou

9th November – Engage services of LGAQ and other matters for capacity building and inhouse training for Councillors in terms of advocating and engaging with Ministers and Departments,

The Advocacy Action Policy and Plan

10th November – ROC and Masig Statement campaign strategy

11th November - Proposed meeting with the three (3) local governments, TSRA and GBK.

1:20pm – Cr Keith Fell joined the meeting.

2nd week in November – 14 – 18 November 2022

Council to look at key strategic matters to engage with State Minister who will be available.

Proposed meeting with Commonwealth Ministers.

Proposed backup plan for the Monday given confirmation from Ministers, is to have the TAP and RAP on notice.

Chief Executive Officer outlines intent of RAP that format is driven by Reconciliation Australia. SARG members agreed to remove RAP and instead, develop processes that aligns with Masig Statement with linkage to policy and procedures, i.e., Economic Development and Sustainability.

Cr Aven Noah suggested that Trish Straud from Office of the Registrar of Indigenous Corporations (ORIC) is invited to the November Workshop so Councillors have the opportunity to discuss impacts to Council as Trustee of DOGIT with regards to the Lessons Learnt project.

ACTION: Mayor Mosby to consider further and possibly liaise with ORIC if they have capacity.

2. November Feds Deputations | Refreshed/Revised Deputation Pack and Fed's itinerary for late November – Parliament sittings

TICCA is planning to attend Canberra meeting and so will a delegation from TSIRC.

3. LG ROC – TSIRC, TSC & NPA | DRAFT TOR and framework for SARG to have input into this prior to Council Workshop in November.

Proposed session around the framework. Confirmation response received from Director General of DATSIP, Dr Chris Sarra to attend the workshop to speak on the Paths to Treaty and LTC process and how we can further achieve the regional assembly through the Masig statement moving forward.

4. Economic Growth Policy & Action Plan | What is Council's position, aspiration and appetite for Economic Growth?

Mr Peter Krebs, Manager Legal Services advised that there is a policy in place but needs to be reviewed. Mayor Mosby discussed that Council needs to have a policy position and framework on Economic Development in the region.

ACTION: Acting Executive Director Corporate Services to review existing policy with Economic Growth Committee and brought back to SARG.

Further discussions took place on this subject.

5. Local Thriving community (LTC) and Paths to Treaty Qld Government – Masig Statement.

ACTION: Extend an invitation to Jackie Huggins to attend the November Workshop to pursue further on the Masig Statement.

8. **EXECUTIVE DIRECTOR BUILDING SERVICES**

1. **EDBS – BSU Update**

Mr Wayne Green, Executive Director Building Services spoke to the report.

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr Rocky Stephen

TSIRC SARG to note the Building Services Report as of 28 September 2022.

MOTION CARRIED UNANIMOUS

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

Cr Keith Fell asked if there is a possibility to change the location of the December meeting on Badu to Boigu for the seawalls opening. Mayor Mosby advised to discuss with Cr Laurie Nona first and confirm in November meeting.

Mr David Baldwin, Executive Director Engineering Services raised concerns on the outstanding risks identified at various airstrips.

Deputy Mayor, Cr Getano Lui raised the proposed Summit on Thursday Island based on the high costs of living in the region, possibly led by DATSIP and explained the use of data such as census will be used in discussions.

10. **Next meeting date – Tuesday, 1st November 2022 | 1pm – 4pm**

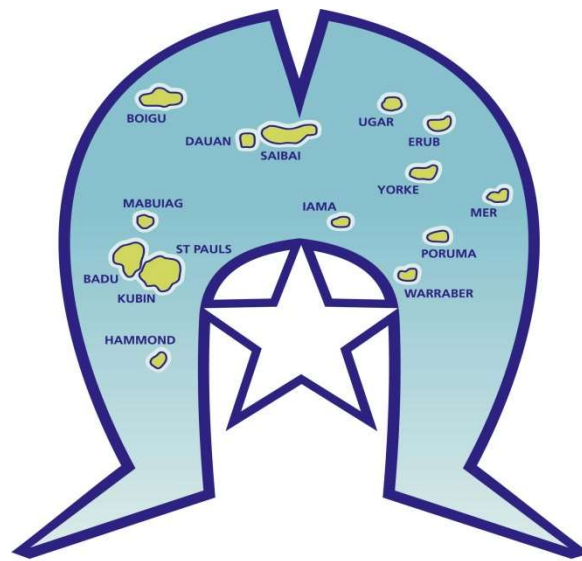
11. **Closing Remarks and Prayer**

Mayor Mosby thanked SARG members, Chief Executive Officer and Executive Staff for their attendance and invited Deputy Mayor, Cr Getano Lui to close the meeting in a word of prayer.

MEETING CLOSED – 3:08PM

.....
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

MINUTES

STRATEGIC ADVISORY REFERENCE GROUP

Date: Tuesday 1st November 2022

Time: 1:24pm to 4:25pm

Venue: Video Conference
Committee Room, TSIRC Office, Grafton St, Cairns

PRESENT:

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

STAFF:

Mr James William, Chief Executive Officer
Ms Hollie Faithfull, Executive Director Financial Services
Mr Dawson Sailor, Head of Community Services
Mr Wayne Green, Executive Director Building Services
Mr Jacob Matysek, Executive Officer
Ms Julie Marino, Executive Assistant to the CEO
Ms Danyela Stoute, Secretariat Officer

1. Welcome (Chair)

Mayor Phillemon Mosby welcomed SARG Members, Chief Executive Officer and Executive Staff, Councillors and Secretarial staff to the November SARG meeting at 1:24pm and acknowledged the following:

- Our Heavenly father for his awesome wisdom, knowledge and understanding upon our lives.
- Traditional owners from the land we are dialling from across the length and breadth of Zenadth Kes and Cairns.
- Pay respects to families in sorry business for the loss of their loved ones throughout the region and on the mainland.

Mayor Mosby thanked everyone for their patience and his sincere apologies in the delay in getting to the meeting. He is currently on Poruma and advised that they are doing the Traditional Boundary mapping this week. A very important week. Thank you again for your patience and understanding.

2. Opening Prayer

Mayor Mosby invited Deputy Mayor Cr. Lui Jnr to open the meeting in a word of prayer.

3. Apologies

Nil

Councillor Noah advised that he would need to be excused at 2.45pm as he is MC for a Graduation Ceremony and there is practice session on. It's on every day this week and next week and asked if he can be excused at 2.45pm.

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

Mayor Mosby requested that all Councillors a declare Conflict of Interest or any relevant legal proceedings at any time during the meeting.

5. Confirmation of Minutes – SARG Meeting – 4th October 2022

Mayor Mosby trust that SARG members have had ample time to have a look at the minutes. Are there any amendments, changes to the minutes of 4th October 2022. There were no changes noted.

RESOLUTION:

Moved: Cr. Aven Noah; Seconded: Cr. Rocky Stephen

That the Minutes for the SARG meeting held on 4th October 2022 be adopted as a true and correct account of the meeting.

MOTION CARRIED UNANIMOUS

6. Strategic Action Items Review

Mayor Mosby handed over to Mr James William, Chief Executive Officer to provide an update on the strategic action items:

a. ORIC to attend the November TSIRC Workshop being held in Cairns.

The CEO asked Jacob Matysek to provide an update if possible.

Mayor advised that he and Jacob spoke and that they had been provided travel dates for the ORIC team to attend the November workshop. We were talking about getting some questions together before they come into the workshop.

Due to connectivity issues Jacob to come into the meeting room on Level 3.

CEO left meeting at 1.35pm

Jacob Matysek entered the meeting at 1.36pm

CEO returned meeting at 1.37pm

b. Local Thriving Communities

CEO to extend an invitation to Jackie Huggins to extend further on the Masig statement. Jacob to provide an update on this as he has been the contact person.

c. Sandy Killick - Deputation with Democracy matters

Sandy presenting to Workshop on Wednesday 9th November at 10am.

Mayor Mosby asked for an update on the deputations on Policy Matters.

Jacob advised that Sandy is available to dial in and provide an update to the full Sarg Committee. Mayor Mosby approved the call.

The CEO apologised to the Mayor that there is currently flooding from Level 4 through to Level 3 and then Level 2. Relevant staff was leaving to deal with that issue now.

Sandy Killick dialled in at 1.45pm

Sandy greeted Mayor Mosby and Mayor introduced councillors in the meeting. Sandy thanked Mayor Mosby and the SARG Committee for making it possible for her to attend this meeting.

Mayor Mosby requested Sandy to provide an overview. Sandy provided an update as below:

- TSIRC to make the most out of the current national state and local political landscape.
- To take advantage of that landscape it's important to look at the strengths of the council.

- The SARG Committee and Sandy had discussion on TSIRC, and Torres Strait history and Sandy advised that she put something together and send through to the Councillors via email.
- Sandy thanked the Councillors advising that that was very helpful input.

Cr Hilda Mosby joined the meeting at 1:59pm
Sandy Killick left meeting at 2.06pm

d. Andrew Clarkson – Advocacy Policy

CEO introduced Andrew Clarkson and advised that he is working on the Advocacy Policy for TSIRC.

Mayor Mosby welcomed Andrew and introduced all attendees in room.

Andrew advised that he was given a policy that was in place by Mette Nordling. Andrew has streamlined this just a bit and introduced a matrix.

Key differences – more structure in terms of decision-making process that the council goes through to identify and analyse the advocacy.

Jacob advised that once feedback has been received from workshop, Councillors and SARG will be incorporated into documents. An update set to be ready to go as soon as workshop finished.

Andrew Clarkson left the meeting 2:25pm

9 Mayor – Verbal

1. November Council Leadership Workshop Agenda

Jacob advised that the Draft Agenda is complete and will be sent out after this meeting. Jacob then provided a verbal update as required.

2. Fuel Business Proposal

James provided a verbal update and advised that he is talking to other CEOs to see how they are handling the situation. The CEO advised that it's a big cost for us and that all he is doing now is assessing the situation. James would suggest getting someone from Iowa in to talk to us so they can let us know what their plans are and what they are thinking. Once we have all information in front of us, with the Leaders approval we will make a commitment.

Councillor Fell advised that CEQ visited each community and had conversations around fuel. Cr. Fell advised that CEQ had said that if the Council brings the fuel up to standard, they will put forward to take it over.

James agreed that we should bring CEQ CEO to the table as they would like to discuss taking fuel over and possibly even gas.

3. Elphinstone Close Business Proposal

Jacob requested some important feedback from Committee around the Elphinstone Close and asked the committee to have a think of what they were looking for.

Jacob advised that will work closely with James to be best prepared for that segment.

4. Clean Energy Maribou Business Proposal

CEO advised that this seems to be on track and working closely with Mayor Mosby. Jacob advised that this is on the Workshop Agenda.

5. CDEP proposal

It was agreed at previous meetings that SARG will investigate what the CDEP proposal has to offer. This will be discussed in greater length at the Workshop.

Cr. Stephen advised that the Economic Standing Committee is going to review all that TSRA does not manage. TSRA does not manage CDEP now. Economic development from TSRA is going to run workshop about CDEP.

Deputy Mayor Getano Lui suggested that we need to make sure that for the TSRA meeting in December, we need to get them to put our concerns across. We need to make separate representation.

6. ASIC ACT REVIEW

The Mayor asked if we could have a discussion on this.

Deputy Chair and Cr. Fell raised that before were two separate complimentary legislations in place. One dealt with ATSI and one dealt with TSRA. We suggest that they incorporate some of those things into the ATSI act.

Cr Fell advised that ICC and TSRA are one of the same. We need to bear in mind not to duplicate.

7. Masig Statement Campaign Strategy

CEO suggested that we need to put down a plan and discuss at workshop.

8. Policies and Plan

The following policies have been referred their relevant Standing Committee:

9. Advocacy Policy and Action Plan

10. Economic Development Policy

11. DOGIT Policy

12. Climate Adaptation Action Plan

10. Executive Director Financial Services

10.1 Policy Matter – Procurement and Ethical Sourcing Policy for review

Hollie advised that the Policy being discussed today is on page 11 of the documents sent out to Councillors. In July 2022 the Council adopted a Procurement and Ethical Sourcing Policy be reviewed annually. We only did 3 months to start with. There have been new clauses included.

There is now a local benefits test of 15%. There is a model in the policy and how it would be scored. It talks about use of local supply chain. They have been highlighted as part of the report. Pass to Councillor Stephen before going through changes.

Cr Stephen address the Committee and explained that this policy was wanted to support indigenous businesses. The idea is before we go offsite and resource we advise to buy locally if possible. We want to create employment for our people in our region.

This policy is to ensure that we source locally before we go out. Use local buyers and local contractors on ground first before outsourcing.

Thank you Cr. Eli, Cr.Tabuoi and Administration for putting this together. This is a long time waiting for the Council. If this policy is endorsed by SARG, it will take to full council in November.

Julie returned meeting 3.41pm

RESOLUTION:

Moved: Cr. Fell; Seconded Cr. Mosby

That the SARG Committee support the Procurement & Ethical Sourcing Policy and recommend for tabling at the November 2022 Ordinary Council Meeting.

MOTION CARRIED UNANIMOUS

Dawson left meeting at 4.04pm

Jacob left meeting 4.07pm

James returned meeting 4.08pm

Dawson returned 4.10pm

Jacob returned 4.10pm

10.2 Policy Matter – Corporate Credit Card Policy for review

RESOLUTION:

Moved: Cr. Fell; Seconded Cr. Stephen

That the SARG Committee support the Credit Card Policy and recommend for tabling at the November 2022 Ordinary Council Meeting.

MOTION CARRIED UNANIMOUS

11. Any other Business

12. Next Meeting Date – Tuesday 29th November 2022

13. Closing Remarks and Prayer

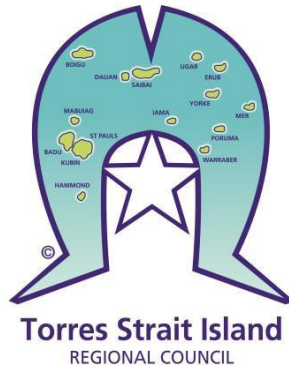
Cr. Rocky Stephen thanks the SARG Committee for supporting the Procurement Policy so it can be tabled at the November Meeting.

Chair Mayor Mosby says a big Eso to all participants, CEO, and staff for this afternoon and look forward to meeting next week in Cairns.

Meeting closed 4.25pm

.....
Mr James William
Chief Executive Officer
Torres Strait Island Regional Council
Date: 14th November 2022

.....
Cr Phillemon Mosby
Mayor
Torres Strait Island Regional Council
Date: 14th November 2022



Draft Minutes

TORRES STRAIT ISLAND REGIONAL COUNCIL

SPECIAL MEETING

Friday 4th November 2022, 9:00am – 9:30am

Video Conference

COUNCIL SPECIAL MEETING

Friday 4th November 2022

PRESENT

Cr Seriako Dorante, Division 8, Hammond

Cr Jimmy Gela, Division 14, Erub (Darnley)

STAFF

Mr James William, Chief Executive Officer (CEO)

Mr Dawson Sailor, Head of Community Services

Ms Hollie Faithfull, Executive Director Financial Services

Mr Jacob Matysek, Executive Officer (EO)

Ms Danyela Stoute, Secretariat Officer (SO)

APOLOGIES

Cr Philemon Mosby, Mayor

Cr Getano Lui, Deputy Mayor, Division 9, Iama

Cr Torenzo Elisala, Division 2, Dauan

Cr Rocky Stephen, Division 13, Ugar

COUNCIL SPECIAL MEETING

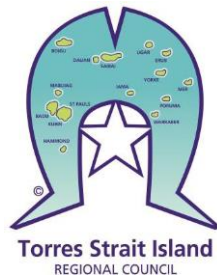
Friday 4th November 2022

Meeting could not proceed due to not having a Quorum.

The Special Council Meeting was adjourned to Monday 7th November at 3.30pm.

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

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



Draft Minutes

TORRES STRAIT ISLAND REGIONAL COUNCIL

SPECIAL MEETING

Monday 7th November 2022

3:39pm – 4:26pm

Calvary Christian Church
108 Grafton Street, Cairns

COUNCIL SPECIAL MEETING

Monday 7th November 2022

PRESENT

Cr Phillemon Mosby, Mayor
Cr Getano Lui, Deputy Mayor, Division 9, Iama
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
Cr John Levi, Division 7, Wug (St Pauls), Mua Island
Cr Seriako Dorante, Division 8, Hammond
Cr Francis Pearson, Division 11, Poruma (Coconut)
Cr Rocky Stephen, Division 13, Ugar
Cr Jimmy Gela, Division 14, Erub (Darnley)

STAFF:

Mr James William, Chief Executive Officer (CEO)
Mr Dawson Sailor, Head of Community Services
Mr Jacob Matysek, Executive Officer
Ms Trudy Lui, Executive Assistant to Mayor (EA)
Ms Danyela Stoute, Secretariat Officer (SO)

APOLOGIES

Cr Kabay Tamu, Division 10, Warraber

COUNCIL SPECIAL MEETING

Monday 7th November 2022

Minutes

1. 3:39pm – 3:41pm Welcome and Opening Remarks

Mayor Mosby welcomed Councillors and Staff to the meeting and welcomed Andrew Kerr from Moray and Agnew Lawyers to the meeting.

2. 3:41pm – 3:41pm Apologies

Apologies noted from Cr Kabay Tamu, Division 10, Warraber due to prior commitments.

RESOLUTION:

Moved: Cr Torenzo Elisala; Second: Cr Laurie Nona

That Council resolves to accept the apologies of Cr. Tamu, Division 10, Warraber.

MOTION CARRIED UNANIMOUS

3. 3:41pm – 3:43pm Declaration of Conflict of Interest (COI) (Prescribed and Declarable)

Cr Toby advised that he was a director of GBK - Gur A Baradharaw Kod Torres Strait Sea and Land Council formerly TSRA.

Mayor Mosby advised that unless you are a Kaurareg Director or a Kaurareg Member you do not have any conflict of interest.

4. 3:43pm – 3:43pm Council to move into Closed Business

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr Aven S. Noah

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

MOTION CARRIED UNANIMOUS

5. 3:43pm – 4:20pm Proposed consent determination (Kaurareg #3 native title Claim)

RESOLUTION:

Moved: Cr Sereako Dorante; Second: Cr Conwell Tabuai

(a) That Council notes the report from Preston Law;

(b) That the Mayor and Chief Executive Officer be authorised to agree to any minor amendments required to be agreed prior to the determination hearing on 30 November 2022;

(c) Subject to (b) above that Andrew Kerr from Moray & Agnew Lawyers be authorised to sign the 3 agreements under section 87 and 87A on Council's behalf.

MOTION CARRIED UNANIMOUS

Formatted: Indent: Left: 0.75 cm, Hanging: 0.75 cm

6. 4:20pm – 4:20pm Council to move out of Closed Business

RESOLUTION:

Moved: Cr Torenzo Elisala; Second: Cr Laurie Nona

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

MOTION CARRIED UNANIMOUS

7. 4:20pm – 4:26pm Closing Remarks and Prayer

Mayor Mosby thanked Councillors and Staff for their time and attendance at the Special Meeting and invited Cr Getano Lui to close the meeting in a word of prayer.

MEETING CLOSED – 4:26PM

.....
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

AGENDA REPORT

ORDINARY MEETING:	November 2022
DATE:	17-18 th November 2022
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Community Grants Program Allocation – November 2022
AUTHOR:	Katherine Epsag, Customer Services Officer, Enterprise Development and Delivery Team

Recommendation:

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

- Community Entities eligible for the maximum threshold of \$10,000.00:
 - Wug Village Dance Team for the eligible amount of \$7,584.00 exclusive of GST, as per the submitted application.
 - Boigu Events Organising Committee for the eligible amount of \$7,847.00 exclusive of GST, as per the submitted application.
 - Tagai College – St Paul's Campus for the eligible amount of \$2,000.00 exclusive of GST, as per the submitted application.
 - Iama Orchids for the eligible amount of \$5,000.00 exclusive of GST, as per the submitted application.
 - Mabuygiw Garkaziw Kupay TSI Corporation for the remaining Mabuiag Divisional community grant balance of \$5,711.37 exclusive of GST.
- Individual applicants eligible for the maximum threshold of \$2,500.00:
 - Pastor Namiah Marama for the eligible amount of \$2,500.00 exclusive of GST, as per the 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 November, six (6) Community Grant applications meeting the eligibility 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 Six (6) applications which meet eligibility requirements are:

Community Entity Applicants	Amount Requested	Project/Event	Amount Supported by Councillor	Location
Wug Village Dance Team	\$7,584.00	Contribution towards costs associated with participating in the Tombstone Unveiling of the Late Mr Johnny Kabay on Erub Island, 25-27/11/2022	Supported by Cr Levi for \$7,584.00	St Paul's
Boigu Events Organising Committee	\$7847.00	Contribution towards costs associated with celebrating the official opening of the Boigu seawall & the hosting of the December Council Ordinary meeting, 12-14/12/2022	Supported by Cr Dimas Toby for \$7,847.00	Boigu
Tagai College – St Paul's Campus	\$2,000.00	Contribution towards costs associated with hosting the Year 6 Graduation on St Paul's Community, 02/12/2022	Supported by Cr Levi for \$2,000.00	St Paul's
Iama Orchids	\$5,000.00	Contribution towards costs associated with participating in the 2023 Dauan Touch Carnival, 05-08/01/2023	Please note: Not supported by Cr Lui	Iama
Mabuygiw Garkaziw Kupay TSI Corporation	Application amount \$10,000 Remaining balance amount available to applicant, \$5,711.37	Contribution towards costs associated with participating in the Mabuyag Community Cultural Heritage Management Program, 01/01-01/06/2023	Please note: Not supported by Cr Fell	Mabuiag
Individual Applicants	Amount Requested	Project/Event	Amount Supported by Councillor	Location
Pastor Namiah Marama	\$2,500.00	Contribution towards costs associated with purchasing musical supplies for the G.I.A.P.P.A church services on Boigu Island	Supported by Cr Toby for \$2,500.00	Boigu

Out of Cycle – Community Grants Background:

In line with Council's Community Grants Policy, Council recognises that there may be occasions where urgent assessment of Community Grants is required. This is particularly in relation to emergent projects and/or extenuating circumstances. Such requests will be assessed by the Enterprise

Development and Delivery Team, at request of the Chief Executive Officer, for eligibility and finally approved or rejected by the Mayor or delegate Councillor and Chief Executive Officer based on assessment.

For this month's reporting period, Nil (0) Out of Cycle Community Grants application received.

Regional Grants Background:

In line with Council's Community Grants Policy, eligible Regional Grants applications are submitted during three (3) funding rounds per financial year. First funding round for Regional Grants Applications opened from 1st September – 22nd September 2022 – applications received were tabled at Council's October Ordinary meeting for determination.

The second funding round will be open for submissions from 15th January – 1st February 2023 – applications received will be tabled at Council's 2023 February Ordinary meeting for determination.

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, and approvals from the Executive Directors of Building and Community Services and Corporate Services.

The following table refers to all funeral grants that were received for this month's reporting period:

- Twelve (12) applications were received and approved.
-

Applicants	Amount Requested	Description	Amount Approved	Location
Charlotte Pearson	\$2,182.12	Contribution towards travel-related costs associated with attending the funeral of the Late Mr Wigness Seriat on Thursday Island, 12/09/2022. This application was approved to cover the travel costs of the applicant, Charlotte Pearson to travel from Kubin to Thursday Island.	\$2,182.12	Kubin Community, Mua Island
Lillah Noah	\$2,000.00	Contribution towards travel-related costs associated with attending the funeral of the Late Mrs Bakoi Pilot in Cairns, 14/10/2022. This application was approved to cover the travel costs of the applicant, Lillah Noah to travel from Mer Island to Cairns.	\$2,000.00	Mer

June Messa	\$3,332.07	Contribution towards travel-related costs associated with attending the funeral of the Late Mrs Kasawana Gagai in Cairns, 15/10/2022. This application was approved for the applicant and four (4) family members to attend a funeral in Cairns.	\$3,332.07	Yorke
William Mosby	\$697.42	Contribution towards travel-related costs associated with attending the funeral of the Late Mrs Kasawana Gagai in Cairns, 15/10/2022.	\$697.42	Yorke
Rita Kaitap	\$4,000.00	Contribution towards catering-related costs associated with hosting the funeral wake of the Late Mrs Lucy Mosby on Kubin, Mua Island - 24/09/2022	\$4,000.00	Kubin
Loretta Glanville	\$2,109.00	Contribution towards travel-related costs associated with attending the funeral of the Late Mrs Lucy Mosby on Kubin, 15/10/2022. This application was approved to cover the travel costs of two family members to travel from Cairns to Kubin, Mua Island.	\$2,109.00	Kubin
Elva Bosun	\$1,396.00	Contribution towards travel-related costs associated with attending the funeral of the Late Mrs Lucy Mosby on Kubin, 15/10/2022. This application was approved to cover the travel costs of the applicant to travel from Cairns to Kubin, Mua Island.	\$1,396.00	Kubin
Sam Joe	\$3,174.00	Contribution towards travel-related costs associated with attending the funeral of the Late Mrs Lucy Mosby on Kubin, 15/10/2022. This application was approved to cover the travel costs of the applicant, Sam Joe and four family members to travel from Cairns to Kubin, Mua Island.	\$3,174.00	Mabuiag
Geiza Stow	\$5,000.00	Contribution towards travel-related costs associated with attending the funeral of the Late Mr Jomen Blanket in Mackay, 07/10/2022. This application was approved to cover the return travel costs of the travel of eight (8) family members from Cairns to Badu Island.	\$5,000.00	Badu

Clara Tamu	\$2,000.00	Contribution towards travel-related costs associated with attending the funeral of the Late Mrs Lucy Mosby on Kubin, 15/10/2022. This application was approved to cover the travel costs of the applicant, Clara Tamu to travel from Warraber Island to Kubin, Mua Island.	\$2,000.00	Warraber
Matilda Billy	\$5,000.00	Contribution towards travel-related costs associated with attending the funeral of the Late Ms Rebecca Billy in Innisfail, 28/10/2022. This application was approved to cover the travel costs of the applicant, Matilda Billy and nine (9) family members to travel from Yorke Island to Innisfail.	\$5,000.00	Yorke
Ali Tamwoy	\$704.04	Contribution towards travel-related costs associated with attending the funeral of the Late Ms Rebecca Billy in Innisfail, 28/10/2022. This application was approved for the applicant to attend a funeral in Innisfail.	\$704.04	Kubin

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 approvals from the Executive Directors of Building and Community Services, Engineering Services and Corporate Services.

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 approved In-Kind Assistance applications received for this month's reporting period.

Applicant	Description	Division	Waiver of Fees
Rita Kaitap	Hire of Community Hall, Pool Vehicle and Engineering Vehicle (at no charge) for the funeral of the Mrs Lucy Mosby of Kubin Community, 14-15/10/2022	Kubin	\$894.00
Warraber Island Campus	Hire of the Community Hall to host the P&C Special & General Meetings, 19/10/2022	Warraber	\$156.00
Pastor Namiah Marama	Hire of the Boigu Pool Vehicle to participate in the Community Togetherness Activity on weekends commencing 11-27/11/2022	Boigu	\$813.00

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.

Sustainability:

N/A

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.



Recommended:
Hollie Faithfull
Executive Director,
Financial Services



Approved:
James William
Chief Executive Officer

Attachment: Fund Balances**Attachment: Fund Balances (after payment of applications endorsed at October 2022 OM)**

Division	Councillor	Budget	Less Approved Funding	Funds allocated towards August 23 Travel	Closing Balance
Boigu	Cr. Toby	\$25,000.00	\$11,281.50	\$8,000.00	\$5,718.50
Hammond	Cr. Dorante	\$25,000.00	\$2,200.00	\$7,500.00	\$15,300.00
St Pauls	Cr. Levi	\$25,000.00	\$6,614.42	\$0.00	\$18,385.58
Ugar	Cr. Stephen	\$25,000.00	\$5,000.00	\$7,500.00	\$12,500.00
Badu	Cr. Nona	\$25,000.00	\$18,781.36	\$0.00	\$6,218.64
Dauan	Cr. Elisala	\$25,000.00	\$12,956.52	\$7,500.00	\$4,543.48
Erub	Cr. Gela	\$25,000.00	\$12,130.00	\$12,500.00	\$370.00
Iama	Cr. Lui	\$25,000.00	\$1,120.50	\$0.00	\$23,879.50
Kubin	Cr. Trinkoon	\$25,000.00	\$24,268.06	\$0.00	\$731.94
Mabuiag	Cr. Fell	\$25,000.00	\$19,288.63	\$0.00	\$5,711.37
Mer	Cr. Noah	\$25,000.00	\$12,069.75	\$0.00	\$12,930.25
Poruma	Cr. Pearson	\$25,000.00	\$17,069.14	\$7,500.00	\$430.86
Saibai	Cr. Tabuai	\$25,000.00	\$11,533.19	\$0.00	\$13,466.81
Warraber	Cr. Tamu	\$25,000.00	\$9,000.00	\$7,500.00	\$8,500.00
Yorke	Cr. Mosby	\$25,000.00	\$13,477.90	\$0.00	\$11,522.10
Mayor	Cr. Mosby	\$30,000.00	\$20,000.00	\$0.00	\$10,000.00
Regional Grant		\$50,000.00	\$0.00	\$0.00	\$50,000.00
		\$455,000.00	\$196,790.97	\$58,000.00	\$200,209.03



TORRES STRAIT ISLAND REGIONAL COUNCIL

COUNCIL REPORT

ORDINARY MEETING:	November 2022
DATE:	17-18 November 2022
ITEM:	Agenda Item for Noting by Council
SUBJECT:	Building Services Update (October 2022)
AUTHOR:	Wayne Green – Executive Director TSIRC BSU

Recommendation:

Council resolves to note the Building Services Report for October 2022.

Executive Summary:

This report outlines the current business activities of the Building Services Unit (BSU) for the reporting period of October 2022.

Currently, BSU is heavily focussed on the delivery of backlogged Maintenance, Upgrades and Home Ownerships, which is impacting on BSU delivering the 2022-2023 Upgrade and Home Ownership program.

BSU is communicating with relevant service delivery partners within the Torres Strait, and it has been identified the four (4) larger building companies have excessive workloads for several clients that must be delivered, and this is impacting on BSU's delivery of past and future programs.

There are also further challenges with availability of accommodation and storage for contractors and staff within several divisions, this is being closely reviewed.

Upgrade & HO Program

BSU is currently focussing on the delivery of the aged Upgrade and HO projects which are approximately \$6.1m in value.

Upgrades & Home Ownerships as of 31 October 2022.

2019	2020	2021	2022
5	9	36	74

The non-delivery of this works was due to multiple factors including:

- Over forecasting of achievable deliverable outcomes
- Over reporting of non-completed works causing backlog of WIP
- Availability of resources (vehicles/plant)
- Availability of storage and accommodation

To date, BSU continues to meet with key stakeholders to provide updated programs of backlog and uncompleted works.

Strategies currently being implemented to forward plan for the part delivery of 2022/23 NAHA upgrade program. These strategies include, but are not limited to:

- Prioritisation of works (health & safety and reroofs)
- Bulk tendering of all upgrades at each of the communities
- Ensuring reduced risk to TSIRC (material/freight/flights etc)
- Contractor accountability

Communication and updated programs will continue to be delivered through to Councillors and Housing Officers throughout the planning process on a monthly basis.

R&M Program

BSU is currently recruiting for 2 x additional R&M Administration Officers and an R&M supervisor to improve stream lining and efficiencies within the Tier 1 (maintenance) stream. This will improve service delivery to our customers and most importantly our communities.

Current backlog of maintenance work as of 31 October 2022 (approx \$2.8m)

>366 Days	181-365 Days	121-180 Days	91-120 Days	61-90 Days	30-60 Days
3	172	402	606	183	235

BSU is continuing to work with QBuild to renegotiate the TSIRC Maintenance Agreement Schedule of Rates which was last updated December 2020 (new proposed agreement submitted 15/09/2022).

Works For Queensland

Works for Qld projects are currently progressing.

Round 3: \$2.8m contract value (30 June 2024 completion date)

Projects Completed	Projects in Progress	Total Projects
7	1	8

Round 4: \$3m contract value (30 June 2024 completion date)

Projects Completed	Projects in Progress	Total Projects
2	5	7

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

Stage 1 funding was released 27 September 2022. BSU and Housing working closely with Councillors and staff in each community to revise requests for each division (3 divisions remaining). The updated program is to be resubmitted to Department of Communities, Housing and Digital Economy (CHDE) for Minister's approval prior to commencement of works; submission late December 2022.

Current review is finding challenges with land availability, demolitions of existing buildings, ILUAs etc.

Strategies being developed to ensure a 'value for money' procurement process and contractor availability.

Business Relationships

BSU has continued to focus on the rectification and close-out of defects in partnership with QBuild.

Meetings are now occurring on a fortnightly basis between BSU and key stakeholders. The quarterly Joint Operations Meeting is next scheduled for 8 December in Thursday Island.

Logistics

BSU is currently developing an improved sustainable waste management plan which has identified a legacy of waste within divisions that is to be removed.

Contract documentation has been updated to ensure all contractors are removing waste from communities.

Considerations

Risk Management

- Urgent review of tabled works for next financial year to clarify actual projects and financial impact.
- BSU reviewing structure, resourcing and processes within the department to improve delivery of services at all levels.
- Monitoring of performance regularly being undertaken to manage revenue, expenses, service delivery and outcomes to community.
- Operations working through logistics of stockpiling goods to effectively ease our supply problems. This is paramount to the ongoing success of repairs and maintenance and upgrades to our communities.
- Availability of contractors within the Torres Strait and their current workloads.
- Availability of accommodation within each Division across the Torres Strait.

Consultation:

- Building Services Executive Director
- Building Services Management
- Business Services Accountant
- External Project Managers for Capital Works
- Building Services Construction Software
- Procure Published Industry statistical data

Links to Strategic Plans

Corporate Plan 2020-2025

- Operational Plan 2022-2023
- Delivery of Capital Works program

Statutory Requirements:

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

Conclusion:

That Council notes the information contained in this report.



Recommended:

Wayne Green
Executive Director Building Services



Approved:

James William
Chief Executive Officer



TORRES STRAIT ISLAND REGIONAL COUNCIL COUNCIL REPORT

ORDINARY MEETING:	November 2022
DATE:	17-18 November 2022
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Policy Matter – Procurement & Ethical Sourcing Policy for review
AUTHOR:	Nicola Daniels, Head of Financial Services

Recommendation:

Council resolves:

1. To adopt the Procurement & Ethical Sourcing Policy in the form attached;
2. Pursuant to sections 236 and 257 of the Local Government Act 2009 (Qld), to delegate to the Chief Executive Officer (CEO) the power to:
 - a) Enter into, negotiate, make, sign, amend or discharge contracts or sub-delegate such powers up to a value of \$200,000 (ex. GST), subject to the limitations provided for in the Procurement & Ethical Sourcing Policy; and
 - b) Enter into, negotiate, make, sign, amend or discharge contracts or sub-delegate such powers for recurring operational expenditure, subject to the limitations provided for in the Procurement & Ethical Sourcing Policy.

Executive Summary:

Section 198 of the Local Government Regulation 2012 imposes upon Council the obligation of adopting a Procurement Policy and reviewing this policy annually. This statutory policy was previously endorsed in July 2022 with a review date of October 2022.

The purpose was to provide an appropriate time to consider material changes to provide a fairer framework that promotes indigenous organisations or provides more social or environmental benefits to Torres Strait Communities. In addition this was to allow sufficient time to for all the appropriate stakeholders including the Economic Growth and SARG Committee to have input before the final report is put to Council.

Background:

Council's current Procurement and Ethical Sourcing Policy aims to provide a procurement framework which is open and transparent and provides value for money in compliance with section 198 of the Local Government Regulation 2012. However regular monitoring and review of policies is necessary to reflect legislative changes and to continuously improve Council governance.

Council requested that there be some material changes to the policy to provide a fairer framework that promotes indigenous organisations or provides more social or environmental benefits to Torres Strait Communities.

Comment:

Policies to be endorsed are listed in the table below with a summary of changes.

Policy	Changes
Procurement and Ethical Sourcing Policy	Material changes have been highlighted within the policy

Both the Economic Growth and SARG committee was supportive of the policy and recommended for tabling at the November 2022 Council Meeting.

Consultation:

Key personnel from internal functions:

- Financial Services
- Peak Services
- Internal Council departments (stakeholders)
- Economic Growth Committee
- SARG Committee

Links to Strategic Plans:

This Policy strategically aligns to specific delivery objectives under all 3 pillars of Council's Corporate Plan, being *People*, *Sustainability* and *Prosperity*.

Risk:

The Procurement and Ethical Sourcing Policy ensures that all legislative requirements are fulfilled and that best practice procurement activities are implemented to mitigate risk to Council and to ensure best possible procurement outcomes to the organisation.

Statutory Requirements:

Local Government Act 2009

Local Government Regulation 2012

Conclusion:

Council resolves:

1. To adopt the Procurement & Ethical Sourcing Policy in the form attached;
2. Pursuant to sections 236 and 257 of the Local Government Act 2009 (Qld), to delegate to the Chief Executive Officer (CEO) the power to:
 - a) Enter into, negotiate, make, sign, amend or discharge contracts or sub-delegate such powers up to a value of \$200,000 (ex. GST), subject to the limitations provided for in the Procurement & Ethical Sourcing Policy; and
 - b) Enter into, negotiate, make, sign, amend or discharge contracts or sub-delegate such powers for recurring operational expenditure, subject to the limitations provided for in the Procurement & Ethical Sourcing Policy.

Endorsed:

Nicola Daniels
Head of Financial Services



Recommended:

Hollie Faithfull
Executive Director Financial Services



Approved:

James William
Chief Executive Officer



Attachments:

The following policies have been attached. Only changes that are significant or that Council officers would like Council to pay specific attention to, have been highlighted.

- Procurement and Ethical Sourcing Policy

Procurement and Ethical Sourcing Policy

Responsible Manager:	Executive Director Financial Services
Head of power:	<i>Local Government Act 2009 Local Government Regulation 2012</i>
Authorised by:	Council
Authorised on:	XX November 2022
Implemented from:	November 2022
Last reviewed:	July 2022
Review history:	2012, 2013, 2014, 2017, 2018, 2019, 2020, 2021,2022
To be reviewed:	June 2023
Corporate Plan:	People, Sustainability and Prosperity

Contents

1. Purpose	3
1.1 Objectives.....	3
1.2 Key Requisite.....	3
2. Application	3
2.1 Procurement	3
3. Legislation	4
4. Sound Contracting Principles	4
4.1 Value for money.....	4
4.2 Open and effective competition	4
4.3 Development of competitive local business and industry.....	4
4.4 Environmental protection.....	5
4.5 Ethical behaviour and fair dealing	5
5. Procurement Requisites.....	5
5.1 Local Benefits Test	5
5.2 Social Procurement.....	6
5.3 Sustainable Procurement.....	7
6. Procurement Procedure	7
7. Budgetary Provisions	7
8. Procurement Thresholds.....	7
9. Exceptions to Procurement Thresholds.....	8
9.1 Register of Prequalified Suppliers (ROPS).....	8
9.2 Preferred Supplier Arrangement (PSA).....	9
9.3 Sole Suppliers.....	9
9.4 Emergencies.....	9
10. Financial Delegation.....	10
11. Variations to Purchases.....	10
Appendix 1 – Financial and Contractual Delegations	11

1. Purpose

This Policy provides Torres Strait Island Regional Council (Council) with a procurement framework in compliance with Section 198 of the *Local Government Regulation 2012*, which is open and transparent, provides value for money and supports the advancement of Council priorities and strategic objectives.

Council is committed to achieving value for money through procurement, ensuring local Indigenous and Torres Strait Islander businesses have equitable access to procurement opportunities within Council, and delivering improved economic, environmental and social outcomes for Council's Local Government Area (LGA) and Torres Strait region.

This Policy will ensure integrity, probity and accountability - ensuring procurement is undertaken with integrity, that probity is appropriately managed and that accountability for outcomes is maintained through the procurement process.

1.1 Objectives

Council's procurement activities aim to achieve beneficial outcomes for Council's LGA and Torres Strait region by:

- Providing opportunities for local Indigenous and Torres Strait Islander businesses to supply to Council;
- Buying local wherever possible;
- Promoting non-local businesses to foster and build local capacity or develop new local businesses to provide goods and services, to create employment and reduce supply chain costs;
- Encouraging non-local businesses to buy locally wherever possible;
- Promoting value for money whilst ensuring probity and accountability;
- Advancing Council's economic, social and environmental policies;
- Promoting compliance with relevant legislation; and
- Promoting continuous improvement and best practice.

1.2 Key Requisite

Council's key requisite for procurement is to provide opportunities and encourage engagement with indigenous and local suppliers that further strengthens the region and aligns with Council's three corporate pillars.

In defining value for money, Council recognises that value for money should not be limited to price alone. As a result, all procurement, where an evaluation is required to be used, will take into consideration a Local Benefits Test, where an evaluation weighting of 15% must be applied. The purpose of the Local Benefits Test is to evaluate the benefits that any supplier would bring to the local area. Other elements such as capability, quality and price remain important – however, factors such as stimulating local employment, increasing socioeconomic development in the region (including employment and training) and supporting social objectives will be considered amongst the evaluation criteria.

2. Application

This Policy applies to all Council procurement activities.

2.1 Procurement

Procurement means to purchase, hire, lease, rent, exchange or any other commercial transaction involving the outlay of funds in return for the provision of goods, equipment, services, carrying out of works or construction.

3. Legislation

All Council procurement must be carried out in compliance with the *Local Government Act 2009* and the *Local Government Regulation 2012*.

4. Sound Contracting Principles

Council officers must have regard to the sound contracting principles set out in Section 104(3) of the *Local Government Act 2009*:

- a) value for money;
- b) open and effective competition;
- c) the development of competitive local business and industry;
- d) environmental protection; and
- e) ethical behaviour and fair dealing.

4.1 Value for money

The objective of the value for money principle is to ensure that all procurement represents the best return and performance for money spent from a whole-of-life cost perspective to assist Council to use public money effectively and efficiently.

Value for money should not be limited to price alone. In assessing value for money, officers must consider:

- The contribution to the advancement of Council priorities and vision, including the Local Benefits Test defined in this Policy, buying from local, Indigenous and Torres Strait Island businesses and organisations as first preference, community and social benefits, and suitability considerations consistent with and supporting the strategic direction of the Corporate Plan and within allocated Council budget;
- Factors such as fit for purpose, innovation, maintenance and support, relevant experience and performance, availability and suitability of staff, plant and equipment, application of relevant and sound systems of operational management, risk, legal and reputation exposure and business continuity; and
- Cost related factors including whole-of-life costs, transactional costs and risk exposure associated with the acquisition, use, administration, holding, maintenance and disposal of the goods and/or services.

As the application of the value for money principle may not necessarily favour the lowest price, procurement decisions must substantiate how application of the principles ensures Council is receiving the most advantageous outcome for Council's LGA and Torres Strait region.

4.2 Open and effective competition

Procurement processes must be open and transparent to suppliers and the public and result in effective competition in the provision of all goods and services. Council must give fair and equitable opportunity and consideration to all prospective suppliers.

4.3 Development of competitive local business and industry

Council will proactively support local, Indigenous and Torres Strait Islander owned businesses, organisations and industry to provide jobs within Council's LGA and the greater

Torres Strait region, in recognition of the economic and social benefits that this brings.

When applying these principles Council will:

- Buy from local Indigenous and Torres Strait Islander businesses and organisations as preference; subject to allocated Council budget;
- Reserve the right to invite only local, Indigenous and Torres Strait Islander owned businesses, organisations and industry to quote for appropriate contracts;
- Apply the Local Benefits Test to all procurement activities where evaluation criteria will be used, in accordance with section 5.1; and
- Engage with suppliers to foster opportunities to develop local, Indigenous/Torres Strait Islander economic opportunities, talents and skills via training, internships, work experience, apprenticeships and jobs.

4.4 Environmental protection

The objective of the principle of environmental protection is to maintain commitment to long-term ecological sustainability through procurement activities that conserve resources, save energy, minimise waste, protect human health and maintain environmental quality and safety.

In undertaking procurement activities, Council will:

- Promote the procurement and use of environmentally friendly goods and services; to set an example to other businesses and the community at large;
- Encourage the development of products and processes of low environmental impact;
- Ensure suppliers clean up construction sites and remove all plant and equipment from islands; and
- Encourage environmentally responsible activities.

4.4.1 Waste removal from Island

It is mandatory for contractors to remove all waste and debris from island.

4.5 Ethical behaviour and fair dealing

Council officers must behave with impartiality, fairness, independence, openness, integrity and professionalism in their discussions and negotiations with suppliers and their representatives.

It is the responsibility of Council officers to report any actual, potential or perceived conflict of interest to their manager, prior to and during any business dealings.

5. Procurement Requisites

5.1 Local Benefits Test

The Local Benefits Test is an integral component and mechanism to promote, enhance and achieve Council's objectives and in particular the delivery of improved economic, environmental and social outcomes for Council's LGA and the Torres Strait region.

For all procurement activities where evaluation criteria apply, 15% of the evaluation criteria (out of the 100%) must be allocated to the Local Benefits Test criteria.

5.3 Sustainable Procurement

Council is committed to protecting the environment and doing business with ethical and socially responsible suppliers and procuring goods and services that achieve sustainability outcomes such as those that have a reduced negative impact on the environment and/or an improved social outcome. When procuring goods and services, Council will consider:

- Strategies to avoid unnecessary consumption and manage demand;
- Minimising environmental impacts over the whole-of-life of the goods and /or services;
 - Products that are durable and long lasting e.g. avoiding or reducing disposable products and single use plastics;
 - Products that consume less energy, fuel or water in their operation;
- Supplier's socially responsible practices; and
- Value for money over the whole-of-life of the goods and/or services, rather than just initial cost.

Indigenous/Torres Strait Islander, social and sustainable procurement must be conducted in line with consideration to the sound contracting principles and other legislative requirements.

6. Procurement Procedure

Council's Procurement Procedure is a supporting document to the Procurement and Ethical Sourcing Policy. The Procurement Procedure must be read in conjunction with this Policy. The Procurement Procedure provides further guidance on how this policy is to be applied in the acquisition of all goods and services.

7. Budgetary Provisions

Procurement must be in accordance with the adopted Annual Budget, or a Council resolution and sufficient funds must be available to meet the full cost of the proposed procurement.

8. Procurement Thresholds

Value threshold (GST excl.)	Required Documentation
Under \$2,000	1 written quote
\$2,000 to under \$15,000	2 written quotes
\$15,000 to under \$200,000	3 written quotes
≥ \$200,000	Public tender

When seeking quotations, officers should consider the likelihood of exceeding the value thresholds listed above in a financial year. If there is a risk that these limits will be exceeded, then the appropriate number of quotes or a public tender should be sought. All thresholds are cumulative thresholds. If the value of goods or services of a similar nature procured from

the same supplier is anticipated to exceed \$200,000 in a financial year or over the proposed term of the contractual arrangement, then a public tender is required.

It is recommended that if initial estimates are above \$150,000 (but below \$200,000) then a public tender process should be utilised in the first instance rather than seeking three written quotes. As estimates are often found to be significantly lower than quotes which are returned, this would mitigate the requirement to re-advertise the procurement as a tender, delaying the process and requiring re-work (unless the RFQ is via an exception).

For large scale procurement it is recommended that the use of a probity advisor is considered.

Purchase of goods and services must not be broken down into smaller components or reduced order quantities to avoid the necessity to comply with the dollar limit requirements under this Policy.

9. Exceptions to Procurement Thresholds

The policy requirements must be followed unless one of the exceptions outlined in Sections 229-235 of the *Local Government Regulation 2012* are utilised:

- A quote or tender consideration plan;
- A contractor on an approved contractor list;
- A supplier on a register of pre-qualified suppliers;
- A supplier on a preferred supplier arrangement; or
- A supplier on another LGA (Local Government Association) arrangement (e.g. LGAQ (LocalBuy)).

Further exceptions exist if:

- Council resolves (Council resolution obtained) it is satisfied that there is only one supplier who is reasonably available (sole supplier); or
- Council resolves that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tender; or
- A genuine emergency exists; or
- The contract is for the purchase of goods and is made by public auction; or
- The contract is for the purchase of second-hand goods; or
- The contract is made with, or under an arrangement with, a government agency e.g. Queensland State Government arrangements.

Even where an exemption is available, market testing should occasionally be undertaken to ensure that the sound contracting principles are being followed, by sourcing additional quotes where feasible.

9.1 Register of Prequalified Suppliers (ROPS)

Council may establish a ROPS by inviting public tenders. Suppliers must submit a tender response and if successful following the evaluation process, suppliers are appointed to the ROPS for a term of up to three years. Once the ROPS is established, the quoting process should be used periodically to test the market on a regular basis and ensure value for

money.

9.2 Preferred Supplier Arrangement (PSA)

Council can establish a PSA where better value for money can be obtained by aggregating the demand for goods and services. Council must invite public tenders and evaluate submissions from tenderers, for suppliers to be successfully appointed to the PSA. Prices or a schedule of rates are usually fixed for the duration of the arrangement.

9.3 Sole Suppliers

Where the required goods or services are available only from one original source or available from only one stockist, agent or supplier with relative ease of accessibility to Council, the supply of those goods and/or services can be applied for under a sole supplier arrangement via Council resolution.

Procurement provides a report on an annual basis listing all proposed sole supplier arrangements for the financial year, for adoption by Council. A report is also presented to Council biannually listing expenditure on sole suppliers.

9.4 Emergencies

In recognition that full compliance with Council's Procurement and Ethical Sourcing Policy and Procurement Procedure may not support Council's needs during a critical or emergency incident, an alternative procurement process may operate during the incident. This alternative process aims to accommodate urgent Council needs, while ensuring that the procurement process adopted is reasonable and conducted with appropriate consideration of standard procurement principles.

Any emergency procurement must be authorised by the Chief Executive Officer or relevant Executive Director, once a critical or emergency incident has been declared. Such incidents are:

- A state of disaster declared under the *Disaster Management Act 2003*, or any other emergency declaration made by the State's Premier under an enactment;
- Any incident declared by the Chief Executive Officer or relevant Executive Director where the safety or security of any person or property associated with the Council is threatened; and
- An external incident to which the Chief Executive Officer or relevant Executive Director has authorised the provision of urgent support.

Once the immediacy of the incident has passed, purchase orders must be raised to record the expenditure in the same way as they would have been in normal circumstances.

As soon as practical upon cessation of the emergency, a report must be presented to Council to authorise the unapproved expenditure, where this expenditure exceeds delegation, and the methodology by which it was incurred. The Council Resolution must define the genuine emergency (such as natural disaster), as well as delegate authority.

Refer to Sections 230-235 of the *Local Government Regulation 2012* for further details on the above exceptions.

10. Financial Delegation

The Chief Executive Officer has procurement authority of \$200,000. Any amount greater than this requires Council approval.

The Chief Executive Officer further has delegation to issue requests for quotes and tenders for any project up to any amount.

Other officers may only incur expenditure on behalf of Council if:

- The officer has been granted the financial delegation by the Chief Executive Officer and this delegation has been recorded in the Register of Financial Delegations; and
- The expenditure is provided for in Council's budget; and
- The officer has received training in Council's procurement systems and Procurement Policies and Procedures; or
- There is a disaster/genuine emergency.

The Chief Executive Officer must approve all financial delegations by recording them in a register of financial delegations to enable procurement activities to occur.

Appendix 1 lists the financial delegations for all management positions.

11. Variations to Purchases

For the purposes of this Policy, variation refers solely to a financial deviation from the original contract value. The contract can be a Council purchase order or agreement signed by a delegated Council officer with an external service provider/organisation. Other variations such as non-financial scope changes, extension of time etc are to be managed by delegated Council officers.

Each variation can only be approved by an officer up to their authorised contractual and financial delegation. In order for a variation to be approved, the authorising officer must have a delegation level greater than the sum of the value of the variation and value of the original contract.

All variations are to be approved in writing.

Each variation requires an additional line item on the original purchase order stating the scope and cost.

Manager Responsible for Review:

Head of Financial Services

Adoption: [] 2022

Due for Revision: [] 2023

James William
Chief Executive Officer

Appendix 1 – Financial and Contractual Delegations

Officers may incur expenditure on behalf of Council if:

- the expenditure is provided for in Council's budget; and
- the officer's position has been delegated the power to enter into contracts up to an amount not less than the amount of the expenditure proposed to be incurred.

Each delegation to an officer of the power to enter into a contract must be delegated by the Chief Executive Officer.

The delegation is a positional delegation and remains in force unless revoked by the Chief Executive Officer.

Any officer incurring expenditure on behalf of Council must do so in accordance with any constraints imposed by Council or the Chief Executive Officer.

Council delegations are as follows.

Position	Delegation (ex GST)
Chief Executive Officer	\$200,000
Executive Director	\$50,000
Executive Director Building Services relating to QBuild contracts for upgrades and homeownership works only	\$350,000
Chief Engineer	\$50,000
Head of Department and Functional Manager	\$35,000
Regional Manager	\$25,000
Regional Building Supervisor	\$25,000
Senior Executive Assistant to CEO Executive Assistant to Mayor	\$25,000
Divisional Manager	\$10,000
Other officers where financial delegation is considered an operational requirement (CEO discretion)	\$10,000

Council further delegates to the Chief Executive Officer the authority to negotiate, finalise and execute recurring operational expenditure, which is within the adopted budget. This expenditure includes rent on leased Council premises, Council rates, electricity, telephone, freight, fuel, vehicle registration and other costs, regardless of whether the value of the expenditure is greater than \$200,000.



TORRES STRAIT ISLAND REGIONAL COUNCIL COUNCIL REPORT

ORDINARY MEETING:	November 2022
DATE:	17-18 November 2022
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Contractual Matter - Sole Suppliers
AUTHOR:	Nicola Daniels, Head of Financial Services

Recommendation:

That Council resolves:

1. In accordance with Regulations 235(a) and 235(b) of the *Local Government Regulation 2012*, that no quotes or tenders need to be sought prior to procuring goods and services from the suppliers listed in Attachment A because Council is satisfied those suppliers are either:
 - a. the only suppliers reasonably available; or
 - b. it would be impracticable or disadvantageous for Council to invite quotes or tenders because of the specialised or confidential nature of the services offered by those suppliers.
2. To adopt the Register in Attachment A.
3. To delegate power to the Chief Executive Officer pursuant to Sections 236 and 257 of the *Local Government Act 2009* to enter into, negotiate, make, sign, amend or discharge contracts with suppliers on the Sole Supplier Register without seeking quotes or tenders or sub-delegate such powers, subject to the limitations provided for in the Procurement & Ethical Sourcing Policy.

Executive Summary:

It has become a practice for a number of local governments to consider and if appropriate adopt a Sole Suppliers Register each year.

Council's Procurement and Ethical Sourcing Policy contemplates such Register and provides that:

1. A report will be provided to Council on an annual basis listing all proposed sole suppliers' arrangements, for the financial year, for adoption by Council;
2. A report will be presented to Council bi-annually listing Council's expenditure on each of those sole suppliers.

Council's Sole Supplier Register was last reviewed in July 2022 and was due for renewal in June 2023. Due to insufficient time to appropriately engage with stakeholders, another review has been undertaken to provide the opportunity for suppliers to be added where it can show they are reasonably the only supplier available for the service/s specified.

After review by relevant stakeholders, the Register has been amended to add six suppliers.

Background:

It is a requirement of the *Local Government Regulation 2012* and Council's Procurement and Ethical Sourcing Policy to invite written quotations or tenders in certain circumstances.

Regulations 235(a) and 235(b) of the *Local Government Regulation 2012* allow Council to procure goods and services without obtaining written quotations or tenders if Council resolves that either:

1. Pursuant to Regulation 235(a) of the Local Government Regulation, there is only one supplier who is reasonably available; or
2. Pursuant to Regulation 235(b) that because of the specialised or confidential nature of their services, it would be impracticable or disadvantageous for Council to invite quotes or tenders.

It has become a practice for a number of local governments to consider and if appropriate adopt a Sole Supplier Register each year.

Comment:

- Peak Services were engaged to support council officers and have canvassed relevant stakeholders and now present for Council's consideration and adoption, if appropriate, Council's Sole Supplier Register at Attachment A.

ConsiderationsRisk Management

Permitting Council officers to enter into contracts without first inviting written quotes or tenders removes one of the internal controls Council could otherwise expect to assist it in minimising opportunities for misappropriation, fraud, favoritism, ensuring competitiveness, limiting complaints etc.

This risk needs to be balanced against the practicality of procuring goods and services in circumstances where there may be limited suppliers or specialised services required.

The financial risk to Council is mitigated by Council officers having assessed these products as being suitable products and the suppliers as being the only reasonable option from which Council can obtain the relevant goods and services.

Pricing will also be regularly benchmarked against comparable products or suppliers to ensure commercial competitiveness.

The ongoing review of who is a sole supplier will ensure that responsible financial and professional practices are utilised to maintain a sustainable framework within procurement across Council. It also ensures that Council provides sound governance and economic management in monitoring these suppliers and the marketplace.

Council Finance

Despite the risks above, there are no direct financial implications that arise from this recommendation.

Consultation:

Internal Council Departments
Peak Services

Links to Strategic Plans:

This project strategically aligns to specific delivery objectives under the Sustainability pillar of Council's Corporate Plan.

Statutory Requirements:

Local Government Act 2009

Local Government Regulation 2012

Conclusion:

That Council resolves:

4. In accordance with Regulations 235(a) and 235(b) of the *Local Government Regulation 2012*, that no quotes or tenders need to be sought prior to procuring goods and services from the suppliers listed in Attachment A because Council is satisfied those suppliers are either:
 - c. the only suppliers reasonably available; or
 - d. it would be impracticable or disadvantageous for Council to invite quotes or tenders because of the specialised or confidential nature of the services offered by those suppliers.
5. To adopt the Register in Attachment A.
6. To delegate power to the Chief Executive Officer pursuant to Sections 236 and 257 of the *Local Government Act 2009* to enter into, negotiate, make, sign, amend or discharge contracts with suppliers on the Sole Supplier Register without seeking quotes or tenders or sub-delegate such powers, subject to the limitations provided for in the Procurement & Ethical Sourcing Policy.

Attachments

- Attachment A: Sole supplier register. New supplier added since July 2022 have been highlighted.

Recommended:

Nicola Daniels
Head of Financial Services

**Endorsed**

Hollie Faithfull
Executive Director, Financial Services

**Approved:**

James William
Chief Executive Officer



ATTACHMENT A

Supplier	Product/Service	Classification
Adobe	Acrobat Pro DC and Creative Cloud Suite	Ongoing Service/ licence
Aerodrome Management Solutions	provide total airport management solutions including airport management, airport construction, auditing and ARO Training.	Specialised
Avdata	Data reporting and billing services to airports across Australia to enable collection of landing fees.	Only one supplier available
Airport Lighting Specialists	Provision of Winddirection Indicators that TSIRC has installed across its Aerodromes	Good/ Services Matches Existing (brand/ Component)
Avionics Airfield Lighting	Only company in Australia who provides the required goods and services	Specialised
Avlite (trading as Sealite)	manufacturer with a proven reputation for aviation lighting systems specifically designed for defence, government, civil and humanitarian aid operations in the most remote, toughest environments.	Good/ Services Matches Existing (brand/ Component)
Badu Island Foundation	Accommodation and supply of gas - Badu	Only one supplier available
Cairns Security Monitoring	Security services in Grafton St.	No Alternatives
CodeTwo Exchange Rules Pro	Email and email signature management software	Ongoing Service/ licence
Endeavour Foundation	Blue bin collection	Only one supplier available
Ergon Energy	Electricity, Power Cards, Maintenance to power lines	Only one supplier available
Grace records	Record archive storage, document destruction, transportation of stored documents to / from facility	Ongoing Service/ licence
Independent Aviation Pty Ltd	Supply of Air Transport Services	Only one supplier available
Island & Cape	Fuel - Badu	Only one supplier available

Kailag Enterprises (Lowatta Lodge)	Accommodation - Masig	Only one supplier available
LG Solutions	Fees and charges cloud application	Ongoing service / licence
M & M Mini Mart	Groceries - Hammond	Only one supplier available
Mer Gedkem Le	Accommodation - Mer	Only one supplier available
Miradore	Mobile Device Management software	Ongoing service / licence
Practical Plus	Payroll system maintenance	OTHER- to be added in comments
Procore and ProEst	Construction and project management system	Ongoing Service/ licence
Protrain	On ground Pest Management Training	Only one supplier available
Salty Monkeys	Torres Strait influencers targeting a specific demographic	Specialised
Smartsheet	Collaboration and Work / Project Management application (online forms etc)	Ongoing Service/ licence
St Pauls Lodge	Accommodation - St Pauls	Only one supplier available
TAFE Queensland North	Training providers	
Talent Propeller	Online Recruitment Service	Ongoing Service/ licence
TCMStrata	Body Corporate Management for Thursday Island Office, 2/46 Victoria PDE.	Unique or Proprietary Nature
TeamViewer	Remote Administration Tool	Ongoing Service/ licence
Tom Cowles Locksmith	Only locksmith in the Torres Strait	
Torres Strait Funerals	Only funeral director in the Torres Strait	Only one supplier available
Whispir	Cloud-based communication platform used in emergency situations to broadcast messages via SMS and email.	Ongoing Service/ licence



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	November 2022
DATE:	17 -18 November 2022
ITEM:	Agenda Item for Resolution
SUBJECT:	Engagement of the Queensland Treasury Corporation
AUTHOR:	Hollie Faithfull, Executive Director Financial Services

Recommendation:

That Council:

1. Resolves to enter into the Services Standing Offer and Project Confirmation in accordance with QTC's Standard Services Terms;
2. Resolves pursuant to Sections 236 and 257 of the *Local Government Act 2009* (Qld), to delegate to the Chief Executive Officer the power to negotiate, make, sign, amend or discharge the Services Standing Offer and Project Confirmation in accordance with QTC's Standard Services Terms.

Executive Summary:

QTC have offered to provide Budget and Forecast Review services (Budget and Forecast Review) on a no charge basis because of the benefits to the State of the Project. The purpose of this Report is to seek Council's resolution to enter into that Project and appropriate delegations.

Background:

1. Council officers have been engaged in communications with QTC about QTC delivering the Project.
2. Attached to this Report are:
 - (a) Services Standing Offer including Schedule A;
 - (b) QTC Standard Services Terms; and
 - (c) Project Confirmation – Budget and Forecast Review.
3. QTC has offered to undertake this Project on a no charge basis because of the benefits to the State of the Project.

Comment:

Council officers consider that the Project will be of benefit to Council as it will assist with various aspects of Council's Budget and Forecasting roles at no additional cost to Council.

Considerations**Risk Management**

No risks are presently identified but Council.

Reputational

Engaging QTC and addressing known financial headwinds indicates a 'forward thinking' council, enhancing reputation within government departments including funding bodies.

Council Finance

QTC have advised they do not intend to charge any fees as the service is beneficial to the State.

Consultation:

Executive Team

Audit Committee

Governance

Financial Services

Queensland Treasury Corporation

Links to Strategic Plans:

Aligns to specific delivery objectives under all the *Sustainability pillar* of the Council's Corporate Plan.

Statutory Requirements:

Local Government Act 2009

Local Government Regulation 2012

Conclusion:

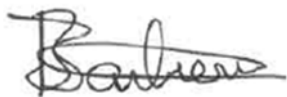
That Council:

1. Resolves to enter into the Services Standing Offer and Project Confirmation in accordance with QTC's Standard Services Terms;
2. Resolves pursuant to Sections 236 and 257 of the *Local Government Act 2009* (Qld), to delegate to the Chief Executive Officer the power to negotiate, make, sign, amend or discharge the Services Standing Offer and Project Confirmation in accordance with QTC's Standard Services Terms.

Endorsed:

Frank Barbieri

Acting Head of Financial Services

**Recommended:**

Hollie Faithfull

Executive Director – Financial Services

**Approved:**

James William

Chief Executive Officer



Attachments:

- (a) Services Standing Offer including Schedule A;
- (b) QTC Standard Services Terms; and
- (c) Project Confirmation – Budget and Forecast Review.



15 November 2022

Mr James William
Chief Executive Officer
Torres Strait Island Regional Council
PO Box 7336
Cairns QLD 4870

Dear James

Services Standing Offer – Torres Strait Island Regional Council

Queensland Treasury Corporation (QTC) would like to provide Torres Strait Island Regional Council (ABN 15 292 645 165) (you) with ongoing services. We note, QTC's suite of services does not include the provision of accounting, audit, legal or taxation advice.

All services are to be provided in accordance with this letter and the *attached* QTC Standard Services Terms (together, **Services Standing Offer**).

Please acknowledge your acceptance of the Services Standing Offer by signing and returning the enclosed duplicate of this letter to QTC.

If you would like to discuss any aspect of the Services Standing Offer, please contact Anthony Ottaway on (07) 3842 4861.

Sincerely

Diana Lollato
Executive Director Local Government

Accepted for and on behalf of Torres Strait Island Regional Council
ABN 15 292 645 165 in accordance with the scope and the terms
contained in this SOA.

Signature

The signatory warrants they are authorised to enter into this agreement on behalf of Queensland Treasury Corporation.

Name (Printed)

Date

Title

Schedule A: Project Confirmation Format

The following format will be used for each Project Confirmation, whether such confirmation is exchanged by fax, email, letter or otherwise:

Project Confirmation under Services Standing Offer dated [insert date] between QTC and [insert client name]

Item	Term	Details												
1.	Project	[insert a detailed description of the project]												
2.	Services	[insert a detailed description of the services to be provided] QTC's suite of services does not include provision of advice in respect of accounting, audit, legal or taxation matters.												
3.	Deliverables	[Guidance note: insert full details of each deliverable]												
4.	Exclusions	[insert relevant scope exclusions (if any)]												
5.	Client Responsibilities and Assurances	[Enter items or information to be provided to QTC]												
6.	Timeframe	<table border="1"> <thead> <tr> <th>Stage</th><th>Start date</th><th>End date</th></tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table> <p>However, should circumstances outside of QTC's control delay our completion of this work in accordance with this timeframe, a reasonable extension of the Project's expected completion date will be negotiated.</p>	Stage	Start date	End date									
Stage	Start date	End date												
7.	QTC project officer	[insert project officer from QTC] [insert title of project officer] [insert phone number of project officer] [insert email of project officer] [insert project officer from QTC] will be primarily responsible for the Project, with assistance to be provided by [insert names of QTC's officers concerned]. Other QTC officers may also be involved, should their expertise be required for this Project.												
8.	Client project officer	[insert project officer from the Client] [insert title of project officer] [insert phone number of project officer] [insert email of project officer] You authorise QTC to accept instructions from [insert project officer from the Client] and to communicate with them.												
9.	Fees	<p>*OPTION 1—where services are for State benefit:*</p> <p>Due to the benefits to the State of this Project, QTC will not charge a fee for this work.</p> <p>*OPTION 2—where an estimated fixed fee has been approved insert:*</p> <p>Based on the information available to us now, our estimated fixed fee is \$[amount] (excluding GST). If, after discussing the matter with you further, we consider it necessary to revise this estimate, we will notify you in writing.</p> <p>*OPTION 3—where fees will be charged on a time basis insert:*</p> <p>Our fees (excluding GST) are calculated on the basis of time spent on the Project at the applicable current hourly rates. Our current hourly rates are:</p>												

Item	Term	Details			
		Person/Title	Hourly Rate (excluding GST)	GST (10%)	Total Hourly Rate (including GST)
		[Name]	\$	\$	\$

We estimate that approximately [number] hours will be required to complete the Project.

10.	Special Conditions	[Enter Special Conditions]
-----	--------------------	----------------------------

Signed on behalf of
Queensland Treasury Corporation

Accepted for and on behalf of
[Insert client name]

SIGNATURE

SIGNATURE

NAME (PRINT)

NAME (PRINT)

DATE

TITLE

DATE

The signatory warrants they are authorised to enter into this agreement on behalf of [insert client name]

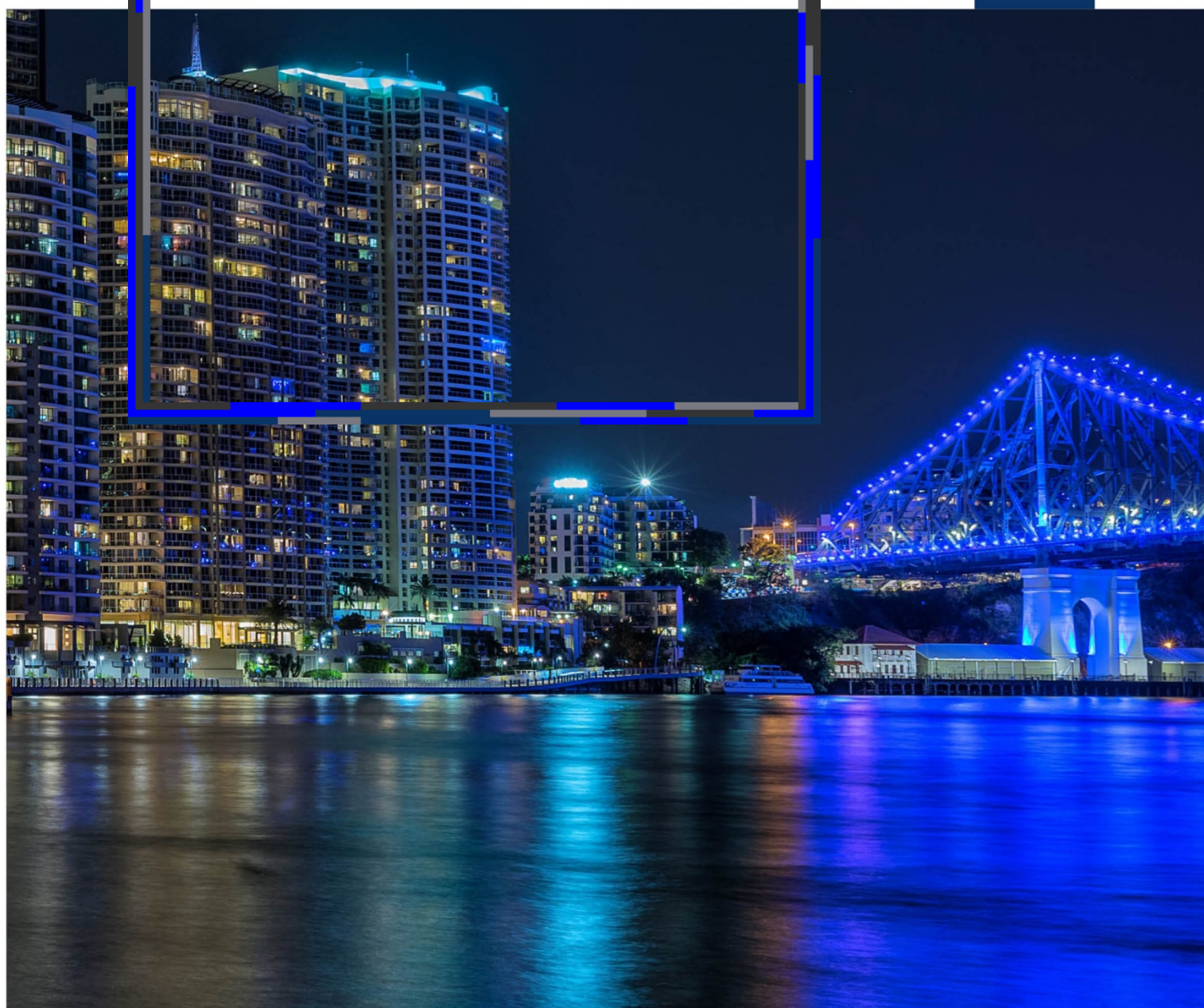
QTC standard services terms

February 2020

QUEENSLAND TREASURY CORPORATION



QUEENSLAND
TREASURY
CORPORATION



1. Definitions and interpretation

1.1 Definitions

Defined terms used in this document are set out in Schedule A.

1.2 Interpretation

In the Agreement, unless the context otherwise requires:

- (a) words importing the singular number include the plural number and vice versa
- (b) other grammatical forms of defined words or expressions have a corresponding meaning unless the contrary intention appears
- (c) references to numbered clauses, paragraphs and schedules are references to the relevant clause or paragraph in or schedule to the QTC Standard Services Terms
- (d) reference in any schedule to the Agreement to numbered paragraphs relate to the numbered paragraphs of that schedule
- (e) any obligation on any Party not to do or omit to do anything is to include an obligation not to allow that thing to be done or omitted to be done
- (f) the headings to the clauses and schedules of the QTC Standard Services Terms are not to affect the interpretation
- (g) any reference to an enactment includes reference to that enactment as amended or replaced from time to time and to any subordinate legislation or by-law made under that enactment, and
- (h) the word “including” (and related forms including “includes”) will be understood as meaning “including without limitation”.

1.3 Relationship between QTC Standard Services Terms and a Project Agreement

- (a) The QTC Standard Services Terms set out the general terms and conditions upon which you will engage QTC to provide services to you.
- (b) If there are any inconsistencies between the provisions of the QTC Standard Services Terms and the Project Agreement, the Project Agreement will take precedence.

2. Engagement process

- 2.1 These QTC Standard Services Terms specify the standard terms and conditions that will apply to all projects between QTC and you.
- 2.2 For each project, QTC will provide you with:
 - (a) a Project Confirmation; or
 - (b) an email confirmation,(each a **Project Agreement**).
- 2.3 A Project Confirmation will become binding when your authorised representative signs and returns it to QTC, without alteration or amendment.

- 2.4 An email confirmation will become binding when QTC issues it to you.

- 2.5 Nothing in these QTC Standard Services Terms obliges either you or QTC to enter into a Project Agreement. Each time the Parties agree a Project Agreement under these QTC Standard Services Terms, a separate agreement will be formed in relation to that Project Agreement.

3. QTC’s responsibilities

- 3.1 QTC will provide the Services and Deliverables to you in accordance with the Timeframe unless circumstances outside of QTC’s control delay this. In that case, the parties will negotiate a reasonable extension of the Timeframe.
- 3.2 QTC will take reasonable actions to ensure that it has and its employees have the necessary skills and expertise to complete the Project in accordance with this Agreement.

4. Subcontracting

- 4.1 QTC may, upon receiving your written instructions:
 - (a) subcontract any part of the Project, or
 - (b) engage on your behalf any Consultant that you or QTC considers necessary to complete the Project, or any part of it, provided that:
 - (i) such engagement of a Consultant is effected in a manner that complies with the Queensland Procurement Policy, and
 - (ii) liability and responsibility for the Consultant will remain with you, notwithstanding that you may instruct QTC to oversee the work performed by the Consultant.
 - (c) You represent and warrant to QTC that You have been duly approved and authorised to provide instructions to QTC for the engagement of any Consultant in accordance with clause 4.1(b) of this Agreement.
 - (d) You acknowledge that the appointment by QTC of any Consultant in accordance with clause 4.1(b) of this Agreement will be in accordance with QTC’s Procurement Guidelines under which QTC may be required to publish the details of any Consultant appointed.

5. Secondment arrangements

- 5.1 QTC may, upon receiving your instructions, provide you with a secondees for the purpose of the Project.
- 5.2 The terms of the secondment will be formalised by an agreement between You and QTC.
- 5.3 By accepting a secondees into Your workplace, You:
 - (a) acknowledge that You will provide a safe and healthy working environment as required under relevant workplace health and safety legislation; and

- (b) agree to provide the secondees with a workplace induction, which covers Your workplace goals and values, health and safety policies and procedures including those relating to evacuation and emergency management.

6. Costs

- 6.1 You will pay QTC, when requested by QTC, all Fees, taxes and other fees and charges payable on or in connection with the advisory services provided under the Project, including any increase in taxes by reason of change of law or otherwise.
- 6.2 You will pay QTC within 14 days from the date of each Tax Invoice in connection with this Agreement.
- 6.3 If QTC appoints an external consultant to assist in relation to the Project, you will reimburse QTC for all the relevant fees incurred by QTC provided you have agreed in writing before QTC incurs any fees.

7. GST

- 7.1 If GST is or becomes payable in respect of any supply made by QTC under or in connection with this Agreement and the consideration for that supply is not expressed in this Agreement to be inclusive of GST, the consideration for that supply but for this clause ('GST exclusive consideration') should be increased by an amount equal to the amount of GST payable by QTC and subject to QTC giving you a Tax Invoice is payable by you on demand.
- 7.2 If QTC is not entitled to a refund or credit in respect of any amount of GST payable on any supply to QTC or any other person in connection with this Agreement (or in respect of any amount which is charged to QTC by way of or is reimbursement for GST 'irrecoverable GST'), QTC may charge you an additional amount which will form part of the Costs, less any input tax credit which QTC determines is equal to the amount of irrecoverable GST and subject to QTC issuing a Tax Invoice if the supply to you is a taxable supply and providing you with reasonable evidence to justify the payment of the additional amount, you shall pay such additional amount on demand by QTC.
- 7.3 Words or expressions used in this clause 7 that are defined in *A New Tax System (Goods and Services Tax) Act 1999 (GST Act)* have the same meaning given to them in the GST Act.
- 7.4 Unless otherwise stated, any amount specified in an Agreement as the consideration payable for any taxable supply does not include any GST payable in respect of that supply.
- 7.5 If a Party makes a taxable supply under an Agreement (supplier), then the recipient of the taxable supply (recipient) must also pay, in addition to the consideration for that supply, the amount of GST payable in respect of the taxable supply at the time the consideration for the taxable supply is payable.

Notwithstanding the foregoing, the recipient is not obliged under this agreement to pay the amount of any GST payable until the supplier provides it with a valid tax invoice for the taxable supply.

8. Negation of employment and agency

QTC will not represent itself as being your employee or agent, nor by virtue of this Agreement become your employee or agent.

9. Confidential Information

- 9.1 QTC must not disclose Confidential Information unless the disclosure is:
 - (a) required by law
 - (b) as required under the Right to Information Act
 - (c) requested by the Under Treasurer of Queensland or any relevant Minister of the Queensland Government, their advisors or Parliament
 - (d) made to the Under Treasurer of Queensland or any relevant Minister of the Queensland Government if QTC becomes aware that you have, or propose to give effect to, or enter into an arrangement that QTC considers, acting reasonably and taking all material circumstances into account:
 - (i) is not or would not be to the benefit of the State of Queensland
 - (ii) is or would be contrary to any policy of the Queensland Government, or
 - (iii) is or would be illegal
 - (e) QTC will not make disclosure of any Confidential Information in accordance with this clause until QTC has raised its concerns with you and informed you of its intention to make disclosure in accordance with this clause, or
 - (f) made with your consent.

QTC will (unless prohibited by law) prior to disclosing Confidential Information under this clause (other than a disclosure pursuant to clause 9.1(d) that you have consented to by virtue of clause 9.4) use all reasonable endeavours to notify you of the circumstances of the proposed disclosure and the Confidential Information to be disclosed.
- 9.2 Subject to clause 9.3 and in accordance with the *Queensland Treasury Corporation Act 1988*, you agree that possession of any Confidential Information will not preclude QTC acting for any other clients.
- 9.3 You acknowledge that QTC may from time to time owe a duty of confidentiality to other clients in respect of information in QTC's possession that may be relevant to the Project. Accordingly, you agree that QTC will be under no obligation to:
 - (a) disclose that information; or
 - (b) use that information,
 - (c) in relation to the Project.
- 9.4 You acknowledge that QTC may disclose Confidential Information to its Board members, officers,

employees, agents, contractors and professional advisors (including by distribution on its internal electronic knowledge management system) if QTC has taken reasonable steps to ensure that those persons:

- (a) know that the Confidential Information is confidential, and
- (b) are obliged to maintain the confidentiality of the Confidential Information.

10. Conflict

10.1 Both parties acknowledge and accept that one of QTC's objectives is to act as a financial institution for the benefit of, and provision of, financial resources and services to the Queensland Government, its statutory bodies, government owned corporations and the State's local governments. A possible result of this is that QTC may arrange funding for you on matters relating to the Project.

You agree and accept that:

- (a) you have engaged QTC to undertake the Project with full knowledge that QTC may arrange funding for you
- (b) you do not, and will not, object to QTC arranging funding for you because QTC acts in the same Project, and
- (c) you do not, and will not, object to QTC's ability to properly perform the Project because QTC may arrange funding for you.

10.2 Consistent with the broad range of activities that QTC undertakes for itself and others, and acknowledging that these may involve interests that differ from your interests, QTC is not under any duty to disclose to you or use for your benefit any information about or derived from these other activities or to account to you for any benefits obtained in connection with such other activities.

10.3 You acknowledge and accept that QTC has systems and procedures in place to identify and appropriately manage actual, perceived and potential conflicts of interest including with regard to Confidential Information.

10.4 Both parties acknowledge and accept that QTC is required to act for, and on behalf of, Queensland Treasury and, if applicable, your administering department from time to time. You agree that a conflict will not arise or exist where QTC is expected or required to act for Queensland Treasury or, if applicable, your administering department in any circumstances.

10.5 You acknowledge that you have had, and continue to have, the opportunity to seek independent advice in relation to any matters within the scope of QTC's obligations under this Agreement.

11. Benefit of Project

11.1 Unless otherwise specifically stated in QTC's advice or report provided for the Project, any advice given by QTC in respect of the Project:

- (a) is provided solely for your benefit
- (b) may not, without QTC's prior written consent, be:
 - (i) relied on by any other person
 - (ii) disclosed except to persons who in the ordinary course of business, have access to your papers and records, on the basis that they will make no further disclosure, or
- (c) filed with a Governmental agency or other agency or quoted or referred to in a public document
- (d) should not be relied on unless it is expressed in writing and you agree that QTC excludes any and all liability for unless it is expressed in writing and you agree that QTC will not be bound by and excludes any and all liability for any advice provided orally to you
- (e) is strictly limited to the matters stated in it and the Project and does not apply by implication to other matters
- (f) is given as at the date of the letter or report containing that advice, and
- (g) is given on the basis of the information and instructions provided to QTC by you for the purposes of the Project.

12. Disclosure and ownership of Intellectual Property

12.1 Each Party retains all its Intellectual Property which existed at the Commencement Date, or which are developed independently of the Agreement. You grant (and must procure that relevant third parties grant) QTC an irrevocable, unconditional (subject to this clause), perpetual, royalty-free, non-exclusive, worldwide, transferable and sub-licensable licence to exercise all such Intellectual Property which are incorporated into the Project provided by QTC under the Agreement, for any purpose of QTC, as part of the Project and future development of the Project.

12.2 Subject to clause 12.1, new Intellectual Property and Materials created or developed in performing the Agreement will be owned by QTC and will vest in QTC on and from their creation.

12.3 The ownership of QTC Data, including any Intellectual Property in QTC Data, shall vest in QTC on its creation. You have no right, title or interest in QTC Data except as specified in this clause. You must not use, access, modify or disclose QTC Data to any person except to your employees, agents and officers on a need to know basis to perform the Agreement and in accordance with all laws.

12.4 The obligations accepted by you under this clause 12 survive termination or expiry of this Agreement.

13. Indemnity and liability

13.1 To the extent permitted by law and subject to clause 13.4, you indemnify and hold harmless QTC and its Board Members, employees, agents, officers and contractors against all direct or consequential Loss provided that no settlement or compromise of such

Loss will be made by QTC without your consent; such consent will not be unreasonably withheld.

13.2 To the extent permitted by law and subject to clause 13.4, you indemnify and hold harmless QTC and its Board Members, employees, agents, officers and contractors from and against all direct or consequential Loss as a result of QTC appointing any Consultant under clause 4.1 of this Agreement.

13.3 To the extent permitted by law and subject to clause 13.4, QTC limits its liability to you for direct or consequential Loss to an amount that does not exceed the total amount of fees paid by you to QTC under this Agreement.

13.4 The indemnity in clause 13.1 and 13.2 and limitation of QTC's liability in clause 13.3 does not apply to the extent that:

- (a) the Loss arises from the negligence of QTC where such negligence is proven by clear and cogent evidence to be the direct and primary cause of the Loss the subject of the claim, or
- (b) the Loss arises directly from any wilful misconduct or fraud of QTC.

14. Termination

14.1 Either party may terminate this Agreement or any Project Confirmation by giving five (5) Business Days' written notice to the other Party.

14.2 If either Party terminates this Agreement, then clauses 9, 10, 11, 12, 13, and 17 of this Agreement will survive that termination and you must pay QTC for all work undertaken, all support services provided and all expenses incurred by QTC, following the receipt of a correctly rendered invoice, up to the date the notice of termination takes effect.

15. Resolution of disputes

15.1 Before resorting to external dispute resolution mechanisms, the parties will attempt to settle by resolution any dispute in relation to this Agreement, including by referring the matter to the Chief Executive of QTC and a senior officer nominated by you or other appropriate senior officers who may have authority to intervene and direct some form of resolution.

15.2 If a dispute is not settled by the parties in accordance with clause 15.1 within five (5) Business Days (or such other period as the parties agree) after the dispute arises, either party may refer the dispute to the Under Treasurer and the Director General of your administering department or if you are a statutory authority or Government-owned corporation, your Chairman or Chief Executive, for resolution.

16. General

16.1 These QTC Standard Services Terms will come into force upon one Party delivering to the other Party a complete, unaltered copy of the Cover Letter executed by both parties, including where the executed copies of the Cover Letter have been

exchanged by facsimile or by scanned e-mail delivery of a '.pdf' format data file or equivalent.

16.2 Each Project Agreement will come into force upon:

- (a) one Party delivering to the other Party a complete, unaltered copy of the Project Confirmation executed by both parties, including where the executed copies of the Project Confirmation have been exchanged by facsimile or by scanned e-mail delivery of a '.pdf' format data file or equivalent; or
- (b) one Party emailing the other party an email confirmation for a particular scope of work that is agreed between the parties.

16.3 If any provision of the Agreement is prohibited by law or judged by a court to be unlawful, void or unenforceable, the provision will, to the extent required, be severed from this agreement and rendered ineffective as far as possible without modifying the remaining provisions of the Agreement, and will not in any way affect any other circumstances of or the validity or enforcement of this agreement.

17. Privacy

17.1 Where you disclose Personal Information to QTC or QTC discloses Personal Information to you for the purposes of, or in connection with, the Project, you must comply with the Privacy Legislation in relation to the collection, use, storage, handling and disclosure of that Personal Information (and you represent and warrant to QTC such compliance on each occasion). Without limitation, you must where required to do so by the Privacy Legislation give an appropriate collection notice to any individual from whom you collect information for the purposes of the Project advising them that their Personal Information may be provided to QTC.

17.2 You acknowledge and agree that QTC is bound by the Privacy Legislation when handling Personal Information for the purposes of the Project and that QTC may use, handle and disclose Personal Information in accordance with that legislation and QTC's privacy statement.

17.3 In this clause:

Personal Information has the same meaning as defined in the Privacy Legislation.

Privacy Legislation means the *Privacy Act 1988* (Cth) (insofar as that Act applies to QTC), the *Information Privacy Act 2009 (Qld)*, *Privacy Amendment (Notifiable Data Breaches) Act 2017* (Cth), the Australian Privacy Principles, (which, for the avoidance of doubt, do not apply to QTC) or the Information Privacy Principles applying to the party holding, using or disclosing Personal Information.

18. Variation

QTC may vary the terms and conditions of each Agreement by notice to you, in which case QTC will provide you with a copy of the updated terms and conditions.

19. Governing Law

This Agreement is governed by the laws of the State of Queensland.

Schedule A: Definitions

Agreement means:

- (a) the Cover Letter
- (b) each Project Agreement, and
- (c) these QTC Standard Services Terms.

Board Member means a member of QTC's Capital Markets Board from time to time.

Business Day means a day that is not a Saturday, Sunday or public holiday in Brisbane, Queensland.

Confidential Information means all information (in any form) disclosed by or on behalf of a Party (**Discloser**) to the other Party (**Recipient**) in connection with this Agreement or created using that information, which is confidential in nature and designated as confidential or which a reasonable person receiving the information would realise is sensitive or confidential, and all information to the extent it is derived from that information, and (in the case of QTC) all QTC Data and QTC's clients' confidential information.

Confidential Information does not include any information which:

- (a) is or becomes public, except through breach of a confidentiality obligation in this Agreement; and
- (b) was known by the Recipient prior to the Discloser disclosing the information to the Recipient.

Consultant means any professional, technical or specialist advisor.

Costs includes any legal costs and expenses (on a full indemnity basis and costs calculated on a time employed basis at QTC's hourly rates current from time to time) of QTC's officers and employees.

Cover Letter means the letter from QTC to you in relation to QTC providing ongoing services to you.

Deliverables means:

- (a) in relation to a Project Confirmation, the deliverables specified in item 3 of the Project Confirmation; and
- (b) in relation to an email confirmation, the deliverables specified therein.

Exclusions means, in relation to a Project Confirmation, the exclusions (if any) specified in item 4 of the Project Confirmation

Fees means:

- (a) in relation to a Project Confirmation, the fees (if any) specified in item 9 of the Project Confirmation; and
- (b) in relation to an email confirmation, the fees (if any) specified therein.

Intellectual Property includes trademarks, patents, copyrights, processes know-how, registered designs or other like rights or any right to apply for registration of any of the former anywhere in the world, but excludes Moral Rights.

Key Personnel has the meaning given in the Project Confirmation.

Loss means a loss, claim, action, damage, liability, cost, charge, expense, penalty, compensation, fine, outgoing or payment, suffered, paid or incurred in connection with:

- (a) all or any part of the services provided by QTC pursuant to this Agreement, or
- (b) the use, reproduction or adaptation of the any existing or new Materials in a manner inconsistent with the licence granted by this Agreement.

Materials means all reports, specifications, documents, papers, information, data and disks (in whatever form or medium or format), wherever such Material is located or stored, and all copies of the Materials.

Moral Rights means the right of integrity of authorship, the right of attribution of authorship and the right not to have authorship falsely attributed, more particularly as conferred by the *Copyright Act 1968* (Cth), and rights of a similar nature anywhere in the world, whether existing before or after the date of the Agreement.

Party means each of you and QTC.

Project means the project described in item 1 of the Project Confirmation.

Project Agreement has the meaning given to that term in clause 2.2.

Project Confirmation means a project confirmation agreed between the parties for a particular scope of work in substantially the form set out in Schedule A of the Cover Letter.

QTC means Queensland Treasury Corporation.

QTC Data means any information, materials, data, datasets or databases to the extent provided by or on behalf of QTC or to the extent created, processed, produced or derived by or on behalf of You using that information, materials, data, datasets or databases.

QTC Standard Services Terms means these QTC standard services terms.

QTC Procurement Guidelines means the guidelines as updated by QTC from time to time and based on the Queensland Procurement Policy 2019 as administered by the Department of Housing and Public Works.

Right to Information means the *Right to Information Act 2009* (Qld).

Services means:

- (a) in relation to a Project Confirmation, the services specified in item 2 of the Project Confirmation but does not include the Exclusions; and
- (b) in relation to an email confirmation, the services specified therein.

Tax invoice has the meaning given in *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

Timeframe means:

- (a) in relation to a Project Confirmation, the timeframe specified at item 6 of the Project Confirmation; and
- (b) in relation to an email confirmation, the timeframe specified therein (if any).

You or you has the meaning given to that terms in the Cover Letter.

Version history

Version	Date	Section(s)	Summary of amendment
1.0	2018		Original version
2.0	2019	4 & 5	Updates for procurement and secondments
3.0	2020	5	Minor updates

Project Confirmation – Budget and Forecast Review

Project Confirmation under Services Standing Offer dated 15 November 2022 between QTC and Torres Strait Island Regional Council.

Item	Term	Details
1.	Project	Budget and Forecasting Review (the Project)
2.	Services	<p>The Budget and Forecasting Review (BFR) includes five key elements:</p> <ul style="list-style-type: none"> • Element 1: Current state review • Element 2: Cost of services analysis • Element 3: Budget and forecasting process review • Element 4: Reforecasting (if necessary) • Element 5: Cost of Services Review <p>QTC's suite of services does not include provision of advice in respect of accounting, audit, legal or taxation matters.</p>
3.	Deliverables	<p>The following are the key deliverables for the project:</p> <ul style="list-style-type: none"> • Cost of services analysis presentation to management and council • Documented whole of lifecycle budget process incorporating improvement recommendations • Revised financial forecast (if necessary) • Assist management in the exploration of cost efficiencies through a cost of services review
4.	Exclusions	QTC may make improvement recommendations relating to observations made during the Project that fall outside the scope of the BFR. Implementation of these recommendations falls outside of the scope of works for the Project.
5.	Client Responsibilities and Assurances	QTC will provide Torres Strait Island Regional Council with an information request outlining what documents and supporting information is required. QTC acknowledges that not all information may be available and will work with Torres Strait Island Regional Council to understand and overcome any potential information gaps.

Timeframe	Stage	Start date	End date
	<u>Element 1</u>		
	Information request, preparation for onsite workshop and cost of services analysis	14 November 2022	15 January 2023
	<u>Element 2</u>		
	Cost of services analysis presentation to council	To be confirmed	
	<u>Element 3</u>		
	Workshops on site with management and council and preparation for element 4	16 January 2023	27 January 2023

Item	Term	Details
		<u>Element 4</u> Reforecasting and presentation to management and council 30 January 2023 10 February 2023
		<u>Element 5</u> Cost of services review To be confirmed However, should circumstances outside of QTC's control delay our completion of this work in accordance with this timeframe, a reasonable extension of the Project's expected completion date will be negotiated.
6.	QTC project officer	Anthony Ottaway Director, Client Advisory (07) 3842 4861. aottaway@qtc.com.au Anthony Ottaway will be primarily responsible for the Project, with assistance to be provided by Liana Pennisi. Other QTC officers may also be involved, should their expertise be required for this Project.
7.	Client project officer	Hollie Faithful Executive Director Financial Services Hollie.Faithfull@tsirc.qld.gov.au You authorise QTC to accept instructions from Hollie Faithfull and to communicate with them.
8.	Fees	Due to the benefits to the State of this Project, QTC will not charge a fee for this work.
9.	Special Conditions	To ensure success and organisational commitment for the Project, formal endorsement from council will be required for QTC to undertake the Project.

Signed on behalf of
Queensland Treasury Corporation

Accepted for and on behalf of
Torres Strait Island Regional Council



SIGNATURE

SIGNATURE

Diana Lollato

NAME (PRINT)

NAME (PRINT)

15.11.2022

DATE

TITLE

DATE

The signatory warrants they are authorised to enter into this agreement on behalf of TORRES STRAIT ISLAND REGIONAL COUNCIL



TORRES STRAIT ISLAND REGIONAL COUNCIL COUNCIL REPORT

ORDINARY MEETING:	November 2022
DATE:	17-18 November 2022
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Audit Committee Membership Renewal
AUTHOR:	Hollie Faithfull, Executive Director Financial Services

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 2023.

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 March 2022 Ordinary Council Meeting, Council resolved to renew Mr Shipperley Audit Committee membership until 31 December 2022.

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr Hilda Mosby

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.

MOTION CARRIED UNANIMOUS

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 2023.

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 2023.

Recommended

Hollie Faithfull

Executive Director Financial Services

**Approved:**

James William

Chief Executive Officer





TORRES STRAIT ISLAND REGIONAL COUNCIL SARG REPORT

ORDINARY MEETING:	November 2022
DATE:	1 November 2022
ITEM:	Agenda Item
SUBJECT:	Policy Matter – Procurement & Ethical Sourcing Policy for review
AUTHOR:	Hollie Faithfull, Executive Director Financial Services

Recommendation:

SARG Committee support the Corporate Credit Card Policy and recommend for tabling at the November 2022 Ordinary Council Meeting.

Executive Summary:

This report provides the draft Corporate Credit Card Policy for the Committee's review.

Background:

During the 2021/22 Audit it was recommended that Council finalise their Corporate Credit Card Policy

Other matter

22CR-5 Credit card policy not finalised and reconciliation of credit card not timely

Observation

Some Council Executives have access to a Council credit card to use for certain transactions. At present there is no adopted policy describing when it is acceptable to pay for goods or services with credit cards rather than through normal procurement channels.

We also identified that during the year, it was taking up to three months before credit card transactions were reconciled and recorded in the accounting records.

QAO recommendation

We recommend that a policy is completed, adopted and communicated to staff. The policy should cover as a minimum: who can have access to credit cards; where they should be stored; what type of transactions can be paid for with credit cards; any specific transactions that must not be paid for; what supporting documentation is required to be retained; that any accidental personal use must be reimbursed by the cardholder; transaction and balance limits (and when to review the appropriateness of these); how the credit card policy interacts with existing procurement policies; what level of review of transactions is required; who is responsible for reconciling and paying outstanding balances; and what to do if fraud is suspected.

We also recommend that reconciliation of credit card and recording of transactions occurs at least monthly.

Comment:

Policy to be endorsed is listed in the table below with a summary of changes.

Policy	Changes
Corporate Credit Card Policy	New policy

Policy was presented to the Audit Committee on 16th September 2022. Committee supported the new policy and recommended for tabling at the November SARG meeting subject to Mayor Mosby's request for the authorising officer of the Chief Executive Officer's corporate card to be the Mayor. This amendment has been reflected in the policy before SARG.

Consultation:

- Financial Services
- Audit Committee
- Corporate Services

Links to Strategic Plans:

These policies strategically align to specific delivery objectives under all 3 pillars of Council's Corporate Plan, being *People*, *Sustainability* and *Prosperity*.

Risk:

The Procurement Policy ensures that all legislative requirements are fulfilled and that best practice procurement activities are implemented to mitigate risk to Council and to ensure best possible procurement outcomes to the organisation.

Statutory Requirements:

Local Government Act 2009

Local Government Regulation 2012

Conclusion:

SARG Committee support the Corporate Credit Card Policy and recommend for tabling at the November 2022 Ordinary Council Meeting.

Endorsed:

Nicola Daniels
Head of Financial Services



Recommended:

Hollie Faithfull
Executive Director Financial Services



Approved:

James William
Chief Executive Officer



Attachments:

- Corporate Credit Card Policy

Corporate Credit Card Policy

Responsible Manager	Executive Director Financial Services
Head of power	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i>
Authorised by	Council
Authorised on	XX October 2022
Implemented from	XX October 2022
Last reviewed	2022
Review history	
To be reviewed on	June 2024
Corporate Plan	People, Sustainability and Prosperity

1. Purpose

To ensure the probity, accountability and transparency of the use and issue of Council Corporate Credit Cards in accordance with legislative, contractual and policy requirements.

2. Application

This policy applies to the use of Corporate Credit Cards by employees of Council.

3. Legislation/Policies

Local Government Act 2009

Local Government Regulation 2012

Code of Conduct

4. Principles

The use of corporate credit cards have regard to the following principles:

- Ensure the principles of good governance, financial accountability, transparency and sound procurement as outlined by Council procurement policy;
- Expenditure paid for using corporate cards shall be limited solely to purchases directly related to official Council business;
- The use of Corporate Credit Cards does not negate the requirement for quotations as outlined in the Procurement and Ethical Sourcing Policy; and
- Corporate Credit Cards should only be used in situations where purchase under an account arrangement via Council's purchase order system is not reasonably available.

5. Issuing of Corporate Credit Cards

Corporate credit cards may be issued to Council Officers when it can be demonstrated that the facility is necessary, and the most effective means of meeting commitments incurred during official Council business. All corporate credit cards shall be issued with the approval of the Chief Executive Officer.

Each Corporate Credit Card issued will be in accordance with financial delegation as authorised by the Chief Executive Officer. The maximum amount of any corporate credit card shall be \$20,000 per month.

6. Conditions of Use

Credit Cards may only be used for appropriate council expenditure and the Cardholder is responsible for all charges placed against their Credit Card.

A Cardholder has authority to incur expenditure up to the limit of the card. However, all purchases must comply with Council's Procurement and Ethical Sourcing Policy and quotations are still to be obtained as outlined in the policy.

By accepting a Corporate Credit Card, the Cardholder agrees to abide by:

- the conditions of use specified by the credit provider on issue of the card; and
- all relevant policies, procedures, and guidelines; and
- provide any relevant documentation, such as tax invoices; and
- corporate credit card details are not to be released to anyone. Credit card purchases are to be through the cardholder; and
- any reasonable instructions council issues in respect to the use of the card.

Cardholders will be required to sign Council's Corporate Credit Cardholder agreement prior to the corporate credit card being issued.

Where a Cardholder does not comply with the conditions of use of a Credit Card or otherwise misuses a card:

- the cardholder may be held liable for expenditure incurred;
- Council may withdraw the card from the Cardholder; and
- Council may initiate disciplinary action or legal proceedings against the cardholder.

Credit cards shall only be used as follows:

- For the carrying out of Council authorised business including but not limited to travel, accommodation, computer software fees, conference/seminar fees; and
- For the meeting of council liabilities where purchase under an account arrangement via Councils purchase order system is not reasonably available and/or efficient, for example where suppliers and service providers only accept payment via credit card; and
- Where the expenditure has an associated budgetary allocation; and
- Credit cards is specifically designed, but not restricted to, for payment transactions with lower value (below \$2000).

7. Circumstances in which Corporate Credit Cards may not be used

Corporate credit cards must only be used for the payment of goods and services associated with Council business. Activities that would not qualify for the use of corporate cards include the following:

- Any use that is of personal or private nature;
- Cash advances;
- Payment of fines, for example a parking fine or a speeding offence which was incurred whilst on Council business (including any associated fees);
- Purchasing of alcohol
- Payment of travel expenditure, where the travel has not been approved in advance by employee's relevant manager.

In instances where it has been confirmed that a personal or private one-off charge was a genuine mistake, it must be notified by the cardholder to the Chief Executive Officer and the Executive Director Financial Services and reimbursed as a matter of urgency.

8. Obligations of Cardholder

Upon receiving a new card, the Cardholder should:

- sign the reverse of the card immediately and activate the card by following the instructions provided with the card by the credit provider;
- ensure the safe custody of the credit card and the PIN at all times; and
- understand this policy and related reconciliation documents.

The Cardholder shall:

- obtain a tax invoice displaying the supplier's ABN for goods
- ensure suppliers record full and proper descriptions of items or services on invoices/receipts;
- confirm the supplier site is secure when placing an order via the internet;
- ensure goods and services are received in good order and condition;
- ensure a credit is received for any returns or refunds;
- immediately report lost, stolen or damaged cards to the credit provider and the Team Leader Creditors;
- perform a monthly reconciliation of the credit card.

9. Reconciliation procedures

Monthly reconciliations of the corporate credit card purchases are to be completed within 14 days of the date of the corporate credit card statement being issued to the cardholder. Transactions are required to be supported by:

- a tax invoice; and
- evidence of quotes as per Council's Procurement and Ethical Sourcing policy (if applicable); and
- a succinct explanation of why the expense was incurred; and
- OP or Task (or GL account) number for costing purposes.

If the credit card holder cannot produce a tax invoice for a Council expense then the credit card holder is to provide a statutory declaration to confirm that the expenditure was incurred in relation to Council business.

The cardholder shall submit a signed and dated credit card statement with supporting documentation to the Team Leader Creditors for review and approval by management.

10. Review of Corporate Credit Card Use

The below authorising officer shall review and approve the monthly expenditure undertaken by each cardholder.

Cardholder	Authorising Officer of Credit Card Statement
Chief Executive Officer	Mayor
Executive Director Financial Services	Chief Executive Officer
All other cardholders	Executive Director Financial Services or Head of Financial Services

All receipts and documentation will be reviewed and any expenses that do not appear to represent fair and reasonable business expenses or in breach of council policy shall be referred to the Executive Director Financial Services or the Chief Executive Officer. Any instances where expenses do not appear to represent fair and reasonable business expenses or in breach of council policy that relate to the Chief Executive Officer shall be referred to the Mayor.

On a monthly basis, the Team Leader Creditors or Financial Operations Accountant will review the individual corporate credit card limits, usage patterns and missing receipts, policy breaches, internal controls and risk management relating to the corporate credit card usage. A summary of the findings will be documented and referred to the Executive Director Financial Services.

Credit card holders who are consistently late in returning their reconciliations will be required to show cause as to why their credit card should not be withdrawn.

11. Review of Corporate Credit Card Limits

Credit limits are to be reviewed annually for all cardholders. If there is a request for a variation to the monthly limit, a business case will need to be provided to the Chief Executive Officer for consideration.

12. Lost or Stolen Cards

The authorised cardholder is to inform the:-

- NAB Business Line (13 10 12 - 24 hours a day, 7 days a week); and

- Team Leader Creditors as soon as they become aware the card issued is lost or stolen.

If the loss or theft is outside of business hours the credit organisation should be contacted immediately, with the Team Leader Creditors being notified the next business day.

13. Return of Cards

The authorised cardholder is to return any cards held with all tax receipts not yet submitted to the Team Leader Creditors on termination of employment or when asked to do so by the Chief Executive Officer.

Upon return of the credit card, the Team Leader Creditors will destroy the card and arrange with the credit facility provider for the cancellation of the corporate credit card

14. Audit of Corporate Cards

An audit of credit card transactions may be conducted at any time during the year.

Manager Responsible for Review:

Executive Director Financial Services

Adopted:

Due for revision:

Chief Executive Officer

TORRES STRAIT ISLAND REGIONAL COUNCIL

COUNCIL REPORT

ORDINARY MEETING:	November 2022
DATE:	17-18 November 2022
ITEM:	Agenda Item for Noting by Council
SUBJECT:	Operational Plan 2022-23 Q1 Update
AUTHOR:	Mette Nordling, Manager of Governance and Compliance

Recommendation:

Council resolves to note the Operational Plan 2022-23 Quarter 1 Update.

Background:

Pursuant to Section 174 of the *Local Government Regulation 2012*, Council adopted its Operational Plan for the 2022/23 period, during its Ordinary Meeting on 19 July 2022.

The Operational Plan is structured around Council's corporate structure as at 19 July 2022, which was updated and endorsed to that shown below in the same meeting:


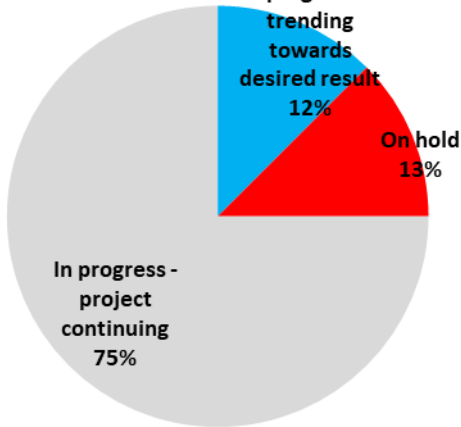

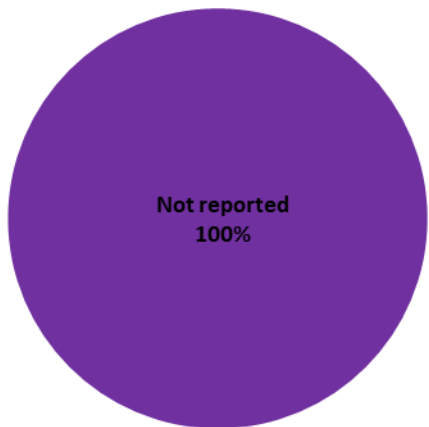




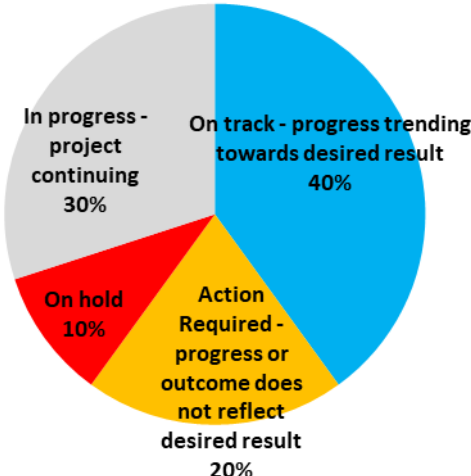

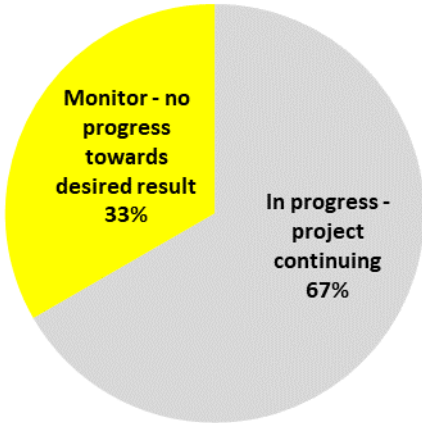

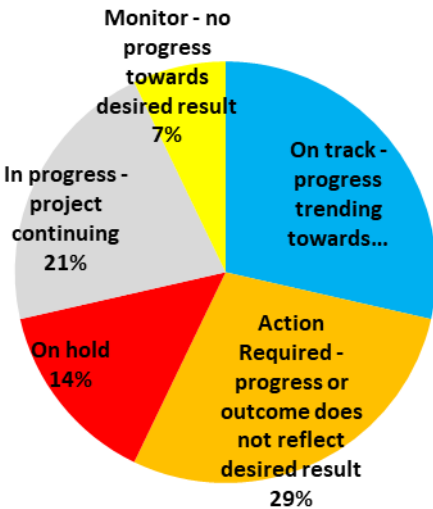
Each of the 51 objectives listed in the Operational Plan, link back to a relevant *Strategic Delivery Pillar* of Council's current Corporate Plan 2020-25; these pillars are as follows:

	People	<p>Outcome 1: We preserve cultural heritage, history and place.</p> <p>Outcome 2: Our communities are safe, healthy and active.</p> <p>Outcome 3: We ensure accessibility to community support services.</p> <p>Outcome 4: We are a transparent, open and engaging council.</p>
	Sustainability	<p>Outcome 5: We plan effectively for the future of our individual communities and region.</p> <p>Outcome 6: Our communities remain resilient to the effects of climate change and natural disasters.</p> <p>Outcome 7: Our communities are consulted around liveable places, aligned to lifestyle and environmental suitability.</p> <p>Outcome 8: We manage council affairs responsibly to the benefit of our communities.</p> <p>Outcome 9: We actively reduce our environmental footprint and manage our resources sustainably.</p>
	Prosperity	<p>Outcome 10: We advocate and foster regional prosperity through enterprise development.</p> <p>Outcome 11: We invest in the retention of key skills within our region.</p> <p>Outcome 12: We bring opportunity to our region and put our culture on the world stage.</p>

Operational Plan Progress:

Council's Operational Plan 2022-23 Q1 Dashboard is as follows:

Department:	Total Objectives:	Progress
 Business Services	8	 <p>On track - progress trending towards desired result 12%</p> <p>On hold 13%</p> <p>In progress - project continuing 75%</p>
 Engineering Services	8	 <p>Not reported 100%</p>
 Building Services	2	 <p>On track - progress trending towards desired result 50%</p> <p>In progress - project continuing 50%</p>

 Community Services	10	 <table><thead><tr><th>Status</th><th>Percentage</th></tr></thead><tbody><tr><td>On track - progress trending towards desired result</td><td>40%</td></tr><tr><td>In progress - project continuing</td><td>30%</td></tr><tr><td>Action Required - progress or outcome does not reflect desired result</td><td>20%</td></tr><tr><td>On hold</td><td>10%</td></tr></tbody></table>	Status	Percentage	On track - progress trending towards desired result	40%	In progress - project continuing	30%	Action Required - progress or outcome does not reflect desired result	20%	On hold	10%		
Status	Percentage													
On track - progress trending towards desired result	40%													
In progress - project continuing	30%													
Action Required - progress or outcome does not reflect desired result	20%													
On hold	10%													
 Corporate Affairs	9	 <table><thead><tr><th>Status</th><th>Percentage</th></tr></thead><tbody><tr><td>In progress - project continuing</td><td>67%</td></tr><tr><td>Monitor - no progress towards desired result</td><td>33%</td></tr></tbody></table>	Status	Percentage	In progress - project continuing	67%	Monitor - no progress towards desired result	33%						
Status	Percentage													
In progress - project continuing	67%													
Monitor - no progress towards desired result	33%													
 Corporate Services	14	 <table><thead><tr><th>Status</th><th>Percentage</th></tr></thead><tbody><tr><td>On track - progress trending towards...</td><td>29%</td></tr><tr><td>Action Required - progress or outcome does not reflect desired result</td><td>29%</td></tr><tr><td>In progress - project continuing</td><td>21%</td></tr><tr><td>On hold</td><td>14%</td></tr><tr><td>Monitor - no progress towards desired result</td><td>7%</td></tr></tbody></table>	Status	Percentage	On track - progress trending towards...	29%	Action Required - progress or outcome does not reflect desired result	29%	In progress - project continuing	21%	On hold	14%	Monitor - no progress towards desired result	7%
Status	Percentage													
On track - progress trending towards...	29%													
Action Required - progress or outcome does not reflect desired result	29%													
In progress - project continuing	21%													
On hold	14%													
Monitor - no progress towards desired result	7%													

Statutory Requirements:

Local Government Act 2009 (Qld)

Local Government Regulation 2012 (Qld)

Conclusion:

That Council notes the Operational Plan 2022-23 Quarter 1 Update.

**Endorsed:**

Mette Nordling

Manager Governance and Compliance

Approved:



James William

Chief Executive Officer

Attachments:

- Table providing breakdown of objectives, progress, and comments
- Operational Plan 2022-23

Objective number	Annual Plan Item	Delivery target	Responsible function	Start Quarter	Delivery Quarter	Q1 update due	Q1 update	Q1 notes
	Operational Plan 2022/23							
	Financial Services							
1	Focus on financial sustainability projects and plan to optimise measurement and reliable reporting for better analysis of performance and to inform better decision-making in the future.	Develop a framework to support and enhance Council's financial sustainability.	Financial Services	1	4	31/10/22	In progress - project continuing	QTC has been brought on to assist in facilitating the facility journey, and have presented to the Executive team. Next steps: finalise terms of reference for sustainability committee, engagement and endorsement of project (QTC to present at the November workshop), scope and progress 'getting the base right'
2	Continue to streamline Council's budget and financial statement process within legislated time frames.	<ul style="list-style-type: none"> • Successfully meet Original Budget 22/23 – July 2022. • Successfully meet Budget Review 22/23 - December 2022. • Statements should be adopted prior to mandated date and be free from material error or misstatement. 	Financial Services	2	4	31/10/22	In progress - project continuing	Original budget has been adopted in July 2022. Budget review is under way and expected to be adopted within given timeframe
3	Migration to Ci Anywhere and implementation of dashboard capability based on approved roadmap.	Successful migration of modules based on approved roadmap.	Financial Services	1	4	31/10/22	In progress - project continuing	Human Resource and Payroll (HRP) will be the first module to move to CiA. Statement of work and investment schedule have been received and are being reviewed. Once approved, Technology One can allocate resources to the project. Estimated 'Go Live' date based on current investment schedule.
4	Deliver end of month continuous improvement program to further drive Council's financial maturity.	Review and implementation of a standard EOM process within TechOne with automation of processes where possible: <ul style="list-style-type: none"> - balance sheet reconciliation within T1 - prepayment automated through the AP process - accruals processed via an ETL or other automated process. 	Financial Services	3	4	31/10/22	On hold	Due to other commitments, the start date has been pushed out to quarter 3
5	Develop and roll out corporate overheads model.	Allocations for corporate overheads for the 22/23 financial year.	Financial Services	1	4	31/10/22	In progress - project	
6	Deliver asset management enhancement strategy and system upgrade based on approved roadmap.	Successful migration of modules and enhancement of system functionality based on approved roadmap.	Financial Services	1	4	31/10/22	On track - progress trending towards	Migration of asset modules is progressing in line with project timeframe with user acceptance testing in 2 weeks. Expected to go live at the end of November and the field app in use by December.
7	Deliver the Desktop Asset Revaluation program.	Audit Committee and External Audit sign-off.	Financial Services	3	4	31/10/22		Not required to start
8	Further develop a good compliance, governance and risk culture across procurement activities in Council via training our people.	Procurement training package rolled out across Council.	Financial Services	1	4	31/10/22	In progress - project continuing	Has been delayed to date with key positions vacant during Q1. Procurement policy has been updated and will go to the November Council meeting for adoption. Procedures have been updated and a plan to put together a training pack and roll out organisation wide training to commence. Training for divisional staff to be undertaken in February / March during a divisional meeting that will include representatives from each division.
	Engineering Services							
9	Streight defect audit completed, and fee proposal obtained from Ergon to undertake rectification works.	<ul style="list-style-type: none"> • Undertake rectification works to extent possible – subject to 22/23 budget adoption. • Seek to obtain external funding to undertake additional rectification works. 	Engineering	1	4	31/10/22		

Objective number	Annual Plan Item	Delivery target	Responsible function	Start Quarter	Delivery Quarter	Q1 update due	Q1 update	Q1 notes
10	Coastal inundation mitigation: • Coastal Hazard Adaptation Strategy (CHAS). • Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships Master planning. • Seawalls Program works for Boigu, Poruma, lama, Warraber & Masig Communities.	• CHAS - 100% completed. • Poruma seawalls completed. Works to commence on Masig, Warraber & lama in line with the funding agreement (PIP). • Inclusion of CHAS coastal mapping to the Master Planning and/or Planning Scheme revisions.	Engineering	1	4	31/10/22		
11	• Dauan reservoir access road upgrade. • Badu wells access road culvert reconstruction. • Various island road restoration works eligible for funding under QRA - DFRA program. • Marine Infrastructure Initiatives Project (make safe works from the Marine Audit Report funded by TSRA). • Ugar marine all tides access/dredging study, design, and tender documentation. • Erub Airstrip Fencing Works. • lama, Boigu, Masig, Mabuiag & Mer Aerodrome Mangrove clearing. • Dauan Helipad Road Construction. • St Pauls Ladyhill Road drainage design.	• ALL construction works to be completed prior to EOFY. • Ugar marine All Tides access and other marine infrastructure reports and projects completed prior to EOFY. • Dauan Helipad Road constructed subject to additional funding confirmation. • St Pauls Ladyhill Road drainage detail design completed.	Engineering	1	4	31/10/22		
12	Waste Management: • Metal Waste Legacy Stockpile Clean-up project. • Warraber Resource Recovery Station.	• Metal Waste Clean-up Project to be completed by 31/12/2022. • Recovery Station by 30/6/23 (subject to funding outcome).	Engineering	1	4	31/10/22		
13	Water Services: • Indigenous Councils Critical Infrastructure Program – remaining water projects. • lama Water Storage Options Study. • Ugar and Dauan Water Testing Labs built at the existing WTP's.	• All ICCIP Projects to be completed prior to EOFY. • lama Study complete by 31/3/22. • Ugar and Dauan onsite Water Testing Labs completed by EOFY.	Engineering	1	3	31/10/22		
14	Fleet Management: • Capital Maintenance Program. • Maintenance Program.	• Complete upgrades in accordance with approved budget and approved Asset Management Plan. • Finalise review and implementation of internal cost allocation. • Review and implement revised operating model. • Complete tender and implement long term contract for maintenance services for Council and private vehicles.	Engineering	1	4	31/10/22		
15	Fuel Management: • Operations Improvements. • Operating Model Review.	• Complete the ongoing capital works / remediation of the bulk fuel facilities • Complete assessment of the upgrade program. • Complete tender and implement long term preventative maintenance program in accordance with Capital Works program. • Finalise review and implementation of a revised operating model.	Engineering	1	4	31/10/22		
16	Disaster Management: • Separation of Torres Strait Local Disaster Management Group (TSLDMG). • Annual update of Community Disaster Management Plans. • Set up and coordination of Local Disaster Management Group (LDMG).	• Formation of the TSIRC LDMG by the end of the Financial Year. • ALL disaster management plans reviewed and updated. • HR Radio network audit completed, partial network upgraded and operational. Seek additional funding to upgrade the entire network	Engineering	1	4	31/10/22		
	 Building Services							
17	Timely and effective delivery of Housing Upgrade and Maintenance Programs meeting agreed Key Performance Indicators.	• Successful completion of prior years' works. • Delivery of program for current year 2022/2023.	Building Services			31/10/22	In progress - project continuing	Working closely with funding partners and establishing strategy for delivery and addressing timeframes
18	Delivery of projects relating to W4Q and other programs engaged by and on behalf of Council's functional departments.	• Successful delivery of program for current year 2022/2023.	Building Services			31/10/22	On track - progress trending towards	Working closely with communities to complete the projects.
	 Community Services							

Objective number	Annual Plan Item	Delivery target	Responsible function	Start Quarter	Delivery Quarter	Q1 update due	Q1 update	Q1 notes
19	Tenancy management program: • Investigate and appropriately address long term vacant properties in Communities. • Provide awareness of general tenancy agreement for clients to strengthen relationships between TSIRC and Communities.	• Increased client awareness and relationships strengthened.	Housing Services	1	4	31/10/22	Action required - progress or outcome does	* Housing to gather data onground for longterm vacancies * Increased awareness of GTAs to commence by Snr Housing Officers
20	• Development and implementation of plan for Community focus group. • Collaborate and active participation in Healthy Housing Working Group.	• Plan implemented.	Housing Services	1	4	31/10/22	Action required - progress or outcome does	*no action on implementation plan * Healthy Housing program on track for community consultation in next reporting quarter. Housing partners with EHW and BSU internally as well as relevant external stakeholders
21	• Secure recurrent funding for employment of HLOs and continued delivery of Health and Wellbeing Program. • Develop and implement an enhanced reporting regime	• Funding secured and reporting regime implemented.	Health & Wellbeing	1	4	31/10/22	In progress - project continuing	HLOs continue to deliver sporting programs such as after school sports and activities, work in partnership with the IKC Coordinator and key stakeholders (school, health) to promote health awareness and be motivated to live a healthy lifestyle. Social nights have been implemented recently with activities for all ages to gather and interact, including men and women social night on seperate occasions. Reporting and Planning tools in place and are being implemented. A steering committee consisting of DSTI, TSRA, NIAA, Health & Wellbeing Qld have met on three occasions in the reporting period and moving fast on setting in place strategies on future funding, design structure of program and streamline funding/acuittal reporting.
22	IKC Strategy - development and implementation of strategy 2022-2023 to deliver programs in accordance with funding objectives that are culturally respectful to our communities.	Strategy developed and implemented.	Health & Wellbeing	1	4	31/10/22	In progress - project continuing	IKC Coordinators continue to run programs such as First 5 Forever, after-school reading, art & crafts activities, cultural and themed activities 20hours per week. The team was fortunate to participate in a week workshop held in Brisbane 7-14 October returning to community with broader mindset to deliver programs with adequate resources. Badu, Erub and lama IKCs are vacant and currently in recruiting process. Reporting and Planning templates in place and being implemented to capture data and make informed decisions on operations and resources.
23	Implement findings of Internal Audit in Aged Care services to meet regulatory compliance. Adherence to funding objectives and conditions.	Regulatory compliance met.	Aged Care	1	4	31/10/22	On track - progress trending towards	Audit Report finalised and with management for discussion.
24	Implement findings of Internal Audit in childcare centres to meet regulatory compliance. Adherence to funding objective sand conditions.	• Regulatory compliance met.	Aged Care	1	4	31/10/22	On track - progress trending towards	Audit Report finalised and presented to TSIRC with recommendations for implementation. A meet with compliance, finance and program area to occur in November.

Objective number	Annual Plan Item	Delivery target	Responsible function	Start Quarter	Delivery Quarter	Q1 update due	Q1 update	Q1 notes
25	Active involvement with Biosecurity Program Waste Management Strategy Healthy Housing Working Group to represent and advocate environment and health matters of our region.	• Active involvement and progress secured.	Environmental Health		1	4	31/10/22	On track - progress trending towards Vet visit scheduled for Nov 2022 all divisions Amrric App census training conducted on half islands, local law compliance assessment undertaken by EHW (Authorised persons) Delays in vet procurement , one year contract awarded Local buy preferred supplier contract being established by LGAQ and Qld Health
26	In accordance with Service Agreement, enhance delivery of Animal Management Program through consultation with communities and appropriate stakeholder groups to raise awareness and meet compliance.	• Animal Management Program delivered and meeting compliance.	Environmental Health		1	4	31/10/22	On track - progress trending towards Vet visit scheduled for Nov 2022 all Divisions AMRRIC App census training conducted on some islands, most EHW trained, local law compliance assessment undertaken by EHW (Authorised persons) Delays in vet procurement , one year contract awarded Local buy preferred supplier contract being established by LGAQ and Qld Health
27	• Divisional Managers workshop. • Undertake review of service delivery gaps and cost analysis of existing non-core council services including opportunity to increase revenue.	• Review and analyses undertaken, and workshop delivered.	Divisional Administration		1	4	31/10/22	On hold Divisional Manager to occur in the new calendar year once policies and procedures are reviewed. Review of cost analysis will occur in 2023.
28	Work collaboratively with internal/external stakeholders to increase Council's presence at events at community and regional level.	• Increased Council presence at events.	Divisional Administration		1	4	31/10/22	In progress - project continuing In the reporting period, council hosted 85th anniversary of 1st Councillors meeting; celebrated days of significance to respective divisions and arranged official opening of community assets.
Corporate Affairs								
29	Further develop Council's community information & engagement channels.	Obtain project funding & further evolve the digital noticeboard project.	Enterprise Development & Delivery		1	4	31/10/22	Monitor - no new progress towards desired result To date there have been no funding opportunities suitable for the project. The funding team will continue to monitor opportunities.
30	Delivery of Council's Enterprise Development Strategy, identifying key sector opportunities.	• Successful delivery of strategy.	Enterprise Development & Delivery		1	3	31/10/22	In progress - project continuing The Economic Growth Committee have requested to move forward with this strategy development. This is, however, contingent on TSIRC receiving formal notification that the flight credits that were purchased for this project through the Tourism & Events Funding with TSRA are approved for use. TSRA have now held the project up since April, and after many attempts at following up I have been advised that we should have an outcome in the following weeks.
31	Community Access Business Case - Saibai, Dauan, Ugar.	• Successful delivery of Business Case.	Enterprise Development & Delivery		1	4	31/10/22	In progress - project continuing The Economic Growth Committee have discussed a way forward, and a letter requesting additional funding has been drafted for TSRA. The completion of this project is contingent on securing funding for the business case, as well as the ED Strategy going ahead.
32	Conduct community consultation with focus groups to enable development of Corporate Plan.	• Successful completion of community consultation for new Corporate Plan.	Governance		3	4	31/10/22	In progress - project continuing Project not commencing until Q3

Objective number	Annual Plan Item	Delivery target	Responsible function	Start Quarter	Delivery Quarter	Q1 update due	Q1 update	Q1 notes
33	Further develop employee engagement channels.	• Successful delivery of Council's employee intranet phases 2 and 3.	Governance	1	4	31/10/22	In progress - project continuing	Content Officer recruited and project will recommence
34	Scoping of formal name change/boundary change/regional governance proposal and delivery of implementation road map. (in conjunction with Legal Services).	• Risk analysis undertaken. • Cost analysis undertaken. • Data collected and analysed. • Implementation road map developed.	Governance and Legal	1	4	31/10/22	Monitor - no new progress towards desired result	Due to resourcing constraints in both areas, this has not progressed
35	Further develop a good governance culture across Council.	• Delivery of Corporate Governance Framework incl Governance awareness programs. • Website design and implementation successfully delivered. • Corporate Identity further developed and implemented.	Governance	1	4	31/10/22	In progress - project continuing	Ongoing. Working on frameworks with input from consultant and with recruitment of Content Officer, website will recommence
36	Climate Risk Management Strategy.	• Integration of Climate Change Risk into Planning and Reporting.	Risk	1	4	31/10/22	Monitor - no new progress towards desired result	Due to resourcing constraints this is not progressing as fast as anticipated
37	Further develop a good risk culture across Council.	• Events Risk Management Framework. • Risk Management Training. • Implement Fraud and Corruption Control Plan. • Business Continuity Planning - Test and Train.	Risk	1	4	31/10/22	In progress - project continuing	Due to resourcing constraints this is not progressing as fast as anticipated, but is underway in conjunction with consult
	 Corporate Services							
38	Cultural Protocol for Communities.	• Full implementation of protocol.	Legal Services	1	4	31/10/22	Action required - progress or outcome does	No project officer assigned to this. Manager Legal Services position vacant.
39	Saibai Land Transfer & Ugar Land Transfer: To facilitate the progression of transfer of Deeds of Grant in Trust from Council to community-based entity that has been fully endorsed by the community to be the trustee.	• Successful transfer of DOGITs.	Legal Services	1	4	31/10/22	On hold	Manager Legal Services update 17/10/2022: (Iama, Ugar and Saibai) All DOGIT transfers currently on hold pending a meeting with the State regarding resourcing for consultation. Issues such as Council being granted leases and hence obliged to pay rent, and at the same time losing lease revenue due to transfer need to be resolved.
40	Landing Holding Act (LHA) Katter Lease Resolution (OP).	• Successful resolution of all outstanding LHA entitlements.	Legal Services	1	4	31/10/22	In progress - project continuing	
41	Finalise and execute Regional ILUA for Mer and Poruma.	• Successful registration of Regional ILUA for Mer and Poruma.	Legal Services	1	2	31/10/22	On track - progress trending towards	Manager Legal Services update 17/10/2022: Negotiating remaining islands of Mer and Poruma. All islands except for Mer, Poruma and Hammond have signed up to the Major Infrastructure ILUA, with Mer and Poruma nearing finalisation. Since there is no determination of native title over Hammond yet, the Major Infrastructure ILUA cannot be implemented. Native title compliance for Hammond is through stand alone ILUAs or Section 24 Notices.
42	Create working group to develop collateral in collaboration with Torres Strait Regional Authority, Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships and NAB - for home ownership options.	• Working group established.	Legal Services	1	4	31/10/22	Action required - progress or outcome does	No project officer assigned to this. Manager Legal Services position vacant.
43	Assist in the effective management of DOGIT Land as a Trustee.	• DOGIT leases being granted according to legal requirements.	Legal Services	1	4	31/10/22	In progress - project continuing	Trustee Policy to be reviewed by the CALH Standing Committee.
44	Evolve Council's Enterprise Divestment Strategy (aligned to Enterprise Development Strategy).	• Businesses divested from Council to community organisations.	Legal Services	1	4	31/10/22	Action required - progress or outcome does	No project officer assigned to this. Manager Legal Services position vacant.
45	Refresh Council's Transitional Action Plan (TAP).	• TAP refreshed, new approach and model agreed upon.	People & Wellbeing	1	4	31/10/22	Monitor - no new progress	

Objective number	Annual Plan Item	Delivery target	Responsible function	Start Quarter	Delivery Quarter	Q1 update due	Q1 update	Q1 notes
46	Continue working and developing HSRs to promote good health & safety practices across the organisation. Hold 1 year anniversary workshop to update and review impact of HSRs.	• HSRs competent in execution of HSR duties.	People & Wellbeing	1	4	31/10/22	On track - progress trending towards	
47	Review Recruitment Procedure; Conduct workshops in region to raise awareness of recruitment processes and other People and Wellbeing operations.	• Review of procedure complete and implemented. Workshops conducted on majority of divisions and Cairns office.	People & Wellbeing	1	4	31/10/22	Action required - progress or outcome does	
48	Review and evaluate learning & development strategy.	• Review complete.	People & Wellbeing	1	4	31/10/22	On track - progress trending towards	
49	Work with NBN Co. to provide community WiFi to all divisions. To date, NBN Co. have offered free installations and service (for an undertermined time) for Hammond, Masig, Erub and Kubin (these sites were chosen randomly by NBN Co.). Council will continue to work with NBN Co. to push for the remaining communities to also receive the free installation and service.	• Completion of community WiFi made available to all divisions by end of FY 2025.	Information Technology Services	1	4	31/10/22	On hold	NBN Co. who were actively rolling this out across regional communities have advised that this program has now been put on hold until further notice.
50	Further develop Whispir to provide emergency information/ notifications to community members. Investigate cost of licensing required to cater for the number of contacts entered into the contact list.	• Whispir further developed and implemented	Information Technology Services	1	4	31/10/22	In progress - project continuing	Login information provided to Matthew Brodbeck with views to use during emergency situations. Further work required to determine exactly who will receive the notifications during such a disaster or emergency scenario.
51	Implement satellite network connectivity with 4G failover to all divisions providing a more robust and faster connectivity solution to divisional offices with increased network security via enhanced firewall services and mobile device management.	• Robust and faster connectivity solution implemented	Information Technology Services	1	4	31/10/22	On track - progress trending towards	Adapt S1 rollout completed week ending 21/10/2022. Some site benefitting significantly with increased bandwidth, however issues around poor telephony quality and network dropouts are still being investigated. NOTE: This solution has been implemented early to allow continuation of the TSIRC network after Feb 2023 following the copper services cut-off if the proposed satellite services have not been implemented in time after which the Adapt S1 4G service will drop back to the failover solution. IT Services are also about to upgrade the aged Managed Internet Gateway service from Telstra in favour of the Telstra Programmable Network for increased network security. Mobile security has also been enhanced with the implementation of Jamf internet proxy, Miradore Mobile Device Management and currently, IT Services are implementing Multi-Factor Authentication.

TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING: November 2022

DATE: 17 & 18 November 2022

ITEM: Agenda Report for resolution by Council

SUBJECT: Addressing Councillor Conflicts of Interest relating to GBK

AUTHOR: Julia Maurus, Senior Legal Officer

Recommendation:

1. That Council note the following Councillor perceivable interests and declarable interests in matters concerning Gur A Baradharaw Kod Sea and Land Council Torres Strait Islander Corporation:

Councillor	Personal Interest
Cr Phillemon Mosby (Poruma)	Chair for Porumalgai (Torres Strait Islanders) Corporation RNTBC. Previous Director of Gur A Baradharaw Kod Sea and Land Council Torres Strait Islander Corporation.
Cr Dimas Toby (Boigu)	Member of Malui Ki'ai (Torres Strait Islanders) Corporation RNTBC.
Cr Torenzo Elisala (Dauan)	Director and Secretary of the Dauanlgaw (Torres Strait Islanders) Corporation RNTBC. Director of Gur A Baradharaw Kod Sea and Land Council Torres Strait Islander Corporation.
Cr Conwell Tabuai (Saibai)	Member of Saibai Mura Buway (Torres Strait Islanders) Corporation RNTBC.
Cr Keith Fell (Mabuiag)	<i>No personal interest</i> (previous Member of Goemulgaw (Torres Strait Islanders) Corporation RNTBC).
Cr Laurie Nona	Member of Mura Badulgal (Torres Strait Islanders) Corporation RNTBC.
Cr Lama Trinkoon	<i>No personal interest</i>
Cr John Levi	<i>No personal interest</i>
Cr Seriako Dorante	<i>No personal interest</i>
Cr Getano Lui, Deputy Mayor (Iama)	<i>No personal interest</i>
Cr Kabay Tamu (Warraber)	Chair for Warraberalgal (Torres Strait Islanders) Corporation RNTBC. Member and director of Malu Lamar (Torres Strait Islander) Corporation RNTBC. Member and director of Gur A Baradharaw Kod Sea and Land Council Torres Strait Islander Corporation.

Cr Francis Pearson (Poruma)	Director of Gur A Baradharaw Kod Sea and Land Council Torres Strait Islander Corporation.
Cr Hilda Mosby	Member of Masigalgai (Torres Strait Islanders) Corporation RNTBC.
Cr Rocky Stephen	Member of Ugar Ged Kem Le Zeuber Er Kep Le (Torres Strait Islanders) Corporation RNTBC.
Cr Jimmy Gela (Erub)	Director of Gur A Baradharaw Kod Sea and Land Council Torres Strait Islander Corporation.
Cr Aven Noah	Employee of Mer Gedkem Le (Torres Strait Islanders) Corporation.

AND

OPTION 1:

2. That pursuant to section 264 of the *Local Government Regulation*, Council appoint a Standing Committee on GBK Matters, endorse the Terms of Reference as presented and appoint the following councillors to the Committee:
 - i. Cr Getano Lui, Deputy Mayor (Chair) (as the Mayor's delegate)
 - ii. Cr Lama Trinkoon
 - iii. Cr John Levi
 - iv. Cr Seriako Dorante
 - v. Cr Keith Fell
3. That pursuant to section 257 of the *Local Government Act*, Council resolve to delegate the consideration of matters concerning Gur A Baradharaw Kod Sea and Land Council Torres Strait Islander Corporation to the newly established Standing Committee on GBK Matters.

OR

OPTION 2:

4. That Council seek an exemption from the Minister pursuant to Section 150EV of the *Local Government Act*, on the basis that matters concerning Gur A Baradharaw Kod Sea and Land Council Torres Strait Islander Corporation cannot be delegated due to [DETAIL REASONS]

Executive Summary:

This report addresses a Council action item from August 2020 to seek a Ministerial exemption to allow councillors with a conflict of interest to participate in a discussion and decision-making relating to the Gur A Baradharaw Kod Sea and Land Council Torres Strait Islander Corporation ("GBK").

Background:

Council passed a resolution in August 2020 to seek a Ministerial exemption to allow councillors with a conflict of interest to participate in a discussion and decision-making relating to GBK.

Please see the relevant resolution below in the August 2020 minutes, item 16.

Council OM August 2020: <http://tsirc.qld.gov.au/sites/default/files/Ratified%20Minutes%20-%20Ordinary%20Meeting%20-%202018%20%26%2019%20August%202020%5B2%5D.pdf>

Wednesday 19th August 2020
Agenda Items

- | | | |
|---|--------------------------|--|
| 21. | <u>9:00am – 9:05am</u> | <u>Welcome and opening prayer</u> |
| 22. | <u>9:05am - 10:05am</u> | <u>PRESENTATION 1:</u> Mr Russell Beer, Director – MacDonnells Law
Register of Interest and Councillor requests for Information |
|
<u>10:05am – 10:30am - MORNING TEA</u>

 | | |
| 23. | <u>10:30am – 10:30am</u> | <u>COUNCIL MOVE INTO CLOSED BUSINESS</u> |
| 24. | <u>10:30am – 12:30pm</u> | <u>OCEO - TAP Overview</u> |
| 25. | <u>12:30pm – 12:30pm</u> | <u>COUNCIL MOVE OUT OF CLOSED BUSINESS</u> |
|
<u>12:30pm – 1:30pm – LUNCH</u>

 | | |
| 26. | <u>1:30pm – 1:40pm</u> | <u>LEGAL SERVICES – DA - Dauan Telstra Tower</u> |
| 27. | <u>1:40pm – 1:50pm</u> | <u>LEGAL SERVICES – DA – Reconfiguration of Lot 25 - Badu</u> |
| 28. | <u>1:50pm – 2:20pm</u> | <u>LEGAL SERVICES – Execution of Warrant at Saibai</u> |
| 29. | <u>2:20pm – 2:50pm</u> | <u>LEGAL SERVICES – Delegation Register Update</u> |
| 30. | <u>2:50pm – 3:00pm</u> | <u>CORPORATE – Memorandum of Agreement with the Torres Strait Island Authority</u> |
|
<u>3:00pm – 3:20pm – AFTERNOON TEA</u>

 | | |
| 31. | <u>3:20pm – 3:30pm</u> | <u>CORPORATE – Memorandum of Agreement with the Gud A Baradharaw Kod</u>
<u>Sea and Land Council Torres Strait Islander Corporation</u> |
| 32. | <u>3:30pm – 3:40pm</u> | <u>CORPORATE – Memorandum of Agreement with the Malu Lamar (Torres Strait Islander) Corporation RNTBC</u> |
| 33. | <u>3:40pm – 4:00pm</u> | <u>OPERATIONS – Special Holidays</u> |
| 26. | <u>4:00pm – 4:05pm</u> | <u>Closing Remarks and Prayers</u> |

12. **12:00pm – 12:02pm** **OCEO – Workplace Health and Safety Policy**

- Acting Chief Executive officer spoke to report
- Matter left lying on table.

Mayor Mosby declared a Material Personal Interest in relation to the Regional Housing Summit due to being a director on **GBK**

Cr Noah declared a Material Personal Interest in relation to the Regional Housing Summit due to being an employee of Mer Ger

Cr Pearson declared a Material Personal Interest in relation to the Regional Housing Summit due to being a director on GBK

Cr Tamu declared a Material Personal Interest in relation to the Regional Housing Summit due to being a director on GBK

Cr Elisala declared a Material Personal Interest in relation to the Regional Housing Summit due to being a director on GBK

Crs Stephen, Mosby and Fell all declared potential Conflicts of Interest due to being members of Local PBCs.

Crs Levi, Trinkoon and Dorante declared no personal interests.

Due to the majority of Councillors being potentially conflicted, legal advice is being sought.

Mayor Mosby absent after the lunch break due to other Council commitments.

13. **12:04pm – 12:30pm** **APPONT INTERIM CHAIR**

RESOLUTION:

Moved: Cr Trinkoon; *Seconded:* Cr Mosby

Council resolves to appoint Cr Fell as interim chair in the absence of Mayor Mosby and Deputy Mayor Lui during the Council's Ordinary Meeting on 18 August 2020.

MOTION CARRIED

Mayor Mosby left the meeting

12:30pm – 1:44pm – LUNCH

18 – 19 August 2020 OM – Video Conference

14. **PRESENTATION - Mr Zachariah Matysek, Acting
Manager – Department of Housing and Public Works**
Presentation cancelled due to declared MPIs and COIs

15. **OPERATIONS – Housing Authority / Attendance at
Housing Summit**
Left on table due to declared MPIs and COIs

16. **1:46pm – 1:49pm** **LETTER TO MINISTER FOR LOCAL GOVERNMENT**
RESOLUTION:
Moved Cr Fell Second Cr Toby
Council resolves to write to the Minister for Local Government, Racing and Multicultural Affairs to request an exemption under section 175F of the *Local Government Act 2009* for Councillors to participate in meetings, being present during discussions and vote on matters relating to the social housing portfolio within the local government area, as the matters cannot otherwise be decided due to the number of councillors declaring Material Personal Interests and personal interests.

MOTION CARRIED

1:47pm – 2:06pm – Memorandums of agreement.

30. **CORPORATE – Memorandum of Agreement with the
Torres Strait Island Regional Authority**
31. **CORPORATE – Memorandum of Agreement with Gud
A Baradharaw Kod Sea and Land Council Torres
Strait Island Corporation**
32. **CORPORATE – Memorandum of Agreement with the
Malu Lamar (Torres Strait Islader Corporation RNTBC**
33. **– Late – pg 203**

All left on table due to Material Personal Interests and Conflicts of interest.

Council has been unable to consider any matters relating to GBK due to the declared conflicts of interest.

Manager Governance and Compliance prepared letters to the Minister in September 2020 and November 2020 (see attached) but later advised that the letter did not progress because full instructions on the nature of each Councillor's conflict of interest were not provided.

The director roles in GBK are governed by GBK's ORIC rule book. TSIRC has no role in deciding how the directors are appointed. The requirement under the GBK rule book is that directors have to be members of Registered Native Title Bodies Corporate (PBC). It is noted that the ORIC register extract for GBK lists the following TSIRC Councillors as GBK directors, but this information appears to be out-of-date:

- Jimmy Gela (Erub)
- Phillemon Mosby (Poruma)
- Francis Pearson (Poruma)
- Kabay Tamu (Warraber)

See:

<https://register.oric.gov.au/PrintCorporationSearch.aspx?corporationName=Gur%20A%20Baradharaw%20Kod%20Torres%20Strait%20Sea%20and%20Land%20Council%20Torres%20Strait%20Islander%20Corporation&icn=>

GBK's members' list is as follows:

Members' full names
ICN 4583 Badu Ar Mua Migi Lagal (Torres Strait Islanders) Corporation RNTBC
ICN 3510 Dauanalgalw (TSI) Corporation RNTBC
ICN 3860 Erubam Le Traditional Land and Sea Owners (Torres Strait Islanders) Corporation RNTBC
ICN 4548 Garboi (TSI) Corporation RNTBC
ICN 3861 Gebaralg (Torres Strait Islanders) Corporation RNTBC
ICN 3508 Goemulgaw (Torres Strait Islanders) Corporation RNTBC
ICN 3712 Kaurareg Native Title Aboriginal Corporation RNTBC
ICN 3915 Kulkgal (Torres Strait Islanders) Corporation RNTBC
ICN 4017 Magani Lagaugal (Torres Strait Islanders) Corporation RNTBC
ICN 3934 Malu Kiai (Torres Strait Islanders) Corporation RNTBC
ICN 8051 Malu Lamar (Torres Strait Islander) Corporation RNTBC
ICN 4549 Maluigal (Torres Strait Islanders) Corporation RNTBC
ICN 3568 Masigalg (Torres Strait Islanders) Corporation RNTBC
ICN 3282 Mer Gedkem Le (Torres Strait Islanders) Corporation RNTBC
ICN 3369 Mualgal Torres Strait Islanders Corporation RNTBC
ICN 3720 Mura Badulgal (Torres Strait Islanders) Corporation RNTBC
ICN 3612 Porumalg (Torres Strait Islanders) Corporation RNTBC
ICN 2993 Saibai Mura Buway (Torres Strait Islanders) Corporation RNTBC
ICN 3935 Ugar Ged Kem Le Zeuber Er Kep Le (Torres Strait Islanders) Corporation RNTBC
Land Trust Urapun Tubudal Gal
ICN 4550 Wakeyama (Torres Strait Islanders) Corporation RNTBC
ICN 3613 Warrabergal (Torres Strait Islanders) Corporation RNTBC

Recently, the Office of the Independent Assessor has recommended that Council proceed with seeking the Ministerial exemption.

Comment:

In 2020, new section 150EU was inserted into the *Local Government Act*. This section states that the Ministerial exemption is only available where Council is unable to delegate the matter under LGA section 257.

Even though it appears Council cannot establish quorum for decisions relating to GBK, it may be possible for all Councillors to vote to delegate deciding any GBK matter to a committee of the unconflicted Councillors, to the chairperson of an existing standing committee, or to the CEO (as has been done in the past). In that case, a Ministerial exemption is not available.

The Minister can only approve a conflicted Councillor's participation in a matter (Section 150EV of the LGA) where there is no quorum and the matter cannot be delegated.

To ensure that GBK matters remain with elected Councillors, and have input by as many Councillors as possible, it is recommended that Council appoint a Standing Committee of the unconflicted Councillors to consider matters relating to GBK, and delegate the necessary decision-making powers to GBK.

Relevant statutory provisions:

Local Government Act section 150EU

Procedure if no quorum for deciding matter because of prescribed conflicts of interest or declarable conflicts of interest

(1) This section applies in relation to a meeting if—

(a) a matter in which 1 or more councillors have a prescribed conflict of interest or declarable conflict of interest is to be decided at the meeting; and

(b) there is less than a quorum remaining at the meeting after any of the councillors mentioned in paragraph (a) leave, and stay away from, the place where the meeting is being held.

(2) The local government must do 1 of the following—

(a) delegate deciding the matter under section 257, unless the matter can not be delegated under that section;

(b) decide, by resolution, to defer the matter to a later meeting;

(c) decide, by resolution, not to decide the matter and take no further action in relation to the matter.

(3) The local government must not delegate deciding the matter to an entity if the entity, or a majority of its members, have personal interests that are, or are equivalent in nature to, a prescribed conflict of interest or declarable conflict of interest in the matter.

(4) A councillor does not contravene section 150EK(1), 150EM(2), 150EQ(2)(a) or (3)(a) or 150ES(5) by participating in a decision, or being present while the matter is discussed and voted on, for the purpose of delegating the matter or making a decision under subsection (2)(b) or (c).

[s 150EU ins 2020 No. 20 s 104]

Local Government Act section 150EV

Minister's approval for councillor to participate or be present to decide matter

(1) The Minister may, by signed notice given to a councillor, approve the councillor participating in deciding a matter in a meeting, including being present while the matter is discussed and voted on, if—

(a) the matter could not otherwise be decided at the meeting because of a circumstance mentioned in section 150EU(1); and

(b) deciding the matter can not be delegated under section 257.

(2) The Minister may give the approval subject to the conditions stated in the notice.

[s 150EV ins 2020 No. 20 s 104]

Local Government Act section 150FA

Records about prescribed conflicts of interest or declarable conflicts of interest—meetings

(1) Subsection (2) applies if a councillor gives notice to, or informs, a local government meeting that the councillor, or another councillor, has a prescribed conflict of interest or declarable conflict of interest in a matter.

(2) The following information must be recorded in the minutes of the meeting or, if minutes are not required for the meeting, in another way prescribed by regulation—

(a) the name of the councillor and any other councillor who may have a prescribed conflict of interest or declarable conflict of interest;

(b) the particulars of the prescribed conflict of interest or declarable conflict of interest;

- (c) if section 150EX applies—
- (i) the action the councillor takes under section 150EX(1); and
- (ii) any decision made by the eligible councillors under section 150EX(2);
- (d) whether the councillor participated in deciding the matter, or was present for deciding the matter, under an approval under section 150EV;
- (e) for a matter to which the prescribed conflict of interest or declarable conflict of interest relates—the name of each eligible councillor who voted on the matter, and how each eligible councillor voted.
- (3) Subsection (4) applies if the councillor has a declarable conflict of interest.
- (4) In addition to the information mentioned in subsection (2), the following information must be recorded in the minutes of the meeting or, if minutes are not required for the meeting, in another way prescribed by regulation—
- (a) for a decision under section 150ER(2)—the name of each eligible councillor who voted in relation to whether the councillor has a declarable conflict of interest, and how each eligible councillor voted;
- (b) for a decision under section 150ES—
- (i) the decision and reasons for the decision; and
- (ii) the name of each eligible councillor who voted on the decision, and how each eligible councillor voted.
- [s 150FA ins 2020 No. 20 s 104]

Local Government Act section 257

Delegation of local government powers

- (1) A local government may, by resolution, delegate a power under this Act or another Act to—
- (a) the mayor; or
- (b) the chief executive officer; or
- (c) a standing committee, or joint standing committee, of the local government; or
- (d) the chairperson of a standing committee, or joint standing committee, of the local government; or
- (e) another local government, for the purposes of a joint government activity.
- (2) However, a local government may only delegate a power to make a decision about a councillor's conduct under section 150AG to—
- (a) the mayor; or
- (b) a standing committee of the local government.
- (3) Also, a local government must not delegate a power that an Act states must be exercised by resolution.
- (4) A joint standing committee, of the local government, is a committee consisting of councillors of the local government and councillors of 1 or more other local governments.
- (5) A delegation to the chief executive officer under subsection (1) must be reviewed annually by the local government.

Considerations

Risk Management

Statutory compliance.

Council Finance

Not applicable.

Consultation:

- Chief Executive Officer
- MacDonnells Law
- Office of the Independent Assessor

Links to Strategic Plans:

TSIRC Corporate Plan 2020–2025

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

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

Statutory Requirements:

Local Government Act 2009

Local Government Regulation 2012

Conclusion:

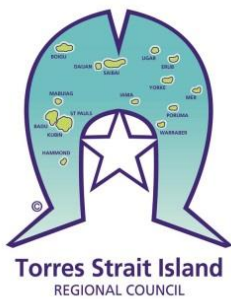
It is recommended that Council:

1. Note each Councillor's perceivable interests and declarable interests as required by the legislation (and provide sufficient detail to allow a letter to the Minister if required); and
2. Appoint a Standing Committee on GBK Matters; and
3. Delegate necessary decision-making powers to the newly appointed Standing Committee on GBK Matters.

Endorsed:

James William

Chief Executive Officer



TORRES STRAIT ISLAND REGIONAL COUNCIL

Lot 12 Francis Road Hammond Island QLD 4875
Phone: (07) 4034 5775 Email: corporate.affairs@tsirc.qld.gov.au

PO Box 7336 Cairns QLD 4870
ABN 15 292 645 165

Our Ref: CAE:EXC-SH

Issued by email:
LGRMA@ministerial.qld.gov.au
northern@dlgrma.qld.gov.au

Hon Dr Steven Miles
Minister for Local Government

18/09/2020

Request for Exemption under Section 175F

Dear Minister Hinchliffe,

I am writing to you to request exemption for Torres Strait Island Regional Council councillor to participate in and vote on matters relating to the social housing portfolio within the local government area, despite their personal interests.

Council has been approached by the Gur A Baradharaw Kod Sea and Land Council Torres Strait Islander Corporation, which was established in 2012 as the peak body of all Registered Native Title Bodies Corporates (PBCs) in the Torres Strait.

GBK are proposing to establish an independent Regional Housing Body or the Torres Strait and Northern Peninsula Area. And in August 2020 GBK invited Council to attend the Torres Strait Regional Housing Summit to be held in Cairns.

At Council's ordinary meeting in August 2020 a resolution was put to Council to consider the viability of a regional housing authority and to elect representatives to attend the GBK summit.

A number of councillors declared material personal interests or conflicts of interests and the matters were not resolved.

Council did however resolve to apply to the Minister for Local Government, Racing and Multicultural Affairs for an exemption under section 175F of the Local Government Act 2009 for Councillors to participate in meetings, being present during discussions and vote on matters relating to the social housing portfolio within the local government area, as the matters cannot otherwise be decided due to the number of councillors declaring Material Personal Interests and potential conflicts of interest.

A majority of councillors are traditional owners and thereby members of their local PBCs which are then members of the GBK.

Access to safe and secure housing is a critical pillar to ending the disparity between Torres Strait Islander and Aboriginal communities, and the non-Indigenous population. With a portfolio of 900+ social houses, Council is the largest housing provider within the North Queensland region, and it is not acceptable that the elected Council cannot take part in discussions and deliberations or vote on matters relating to this social housing portfolio.

There is a lack of housing in the Torres Strait region and Council has a consistently high number of households on waiting lists for social housing. Many wait-listed applicants are in desperate need due to an overcrowded situation, homelessness, safety or medical concerns. These residents are looking to their local elected members to take action and are not wanting to see decisions determining their housing situation being decided by Council officers over their elected Council.

Councillors' personal interests in Gur A Baradharaw Kod Sea and Land Council Torres Strait Islander Corporation are as follows:

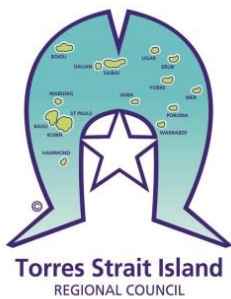
Councillor	Personal Interest	Confirmed by Councillor
Cr Phillemon Mosby, Mayor	<ul style="list-style-type: none"> Chair for Porumalgai (Torres Strait Islanders) Corporation RNTBC Director of Gur A Baradharaw Kod Sea and Land Council Torres Strait Islander Corporation 	<i>Confirmed via register of interest</i>
Cr Getano Lui, Deputy Mayor	<ul style="list-style-type: none"> <i>No personal interest</i> 	<i>Confirmed via register of interest</i>
Cr Dimas Toby	<ul style="list-style-type: none"> 	
Cr Torenzo Elisala	<ul style="list-style-type: none"> Director and Secretary of the Dauanlgaw (Torres Strait Islanders) Corporation RNTBC Director of Gur A Baradharaw Kod Sea and Land Council Torres Strait Islander Corporation 	<i>Confirmed 24/08/20</i>
Cr Conwell Tabuai	<ul style="list-style-type: none"> Member of Saibai Mura Buway (Torres Strait Islanders) Corporation RNTBC 	<i>Confirmed 25/09/20</i>
Cr Keith Fell	<ul style="list-style-type: none"> No personal interest (previous Member of The Goemulgaw (Torres Strait Islanders) Corporation RNTBC) 	<i>Confirmed 22/09/20</i>
Cr Laurie Nona	<ul style="list-style-type: none"> Member of Mura Badulgal (Torres Strait Islanders) Corporation RNTBC 	
Cr Lama Trinkoon	<ul style="list-style-type: none"> <i>No personal interest</i> 	<i>Confirmed 22/09/20</i>
Cr John Levi	<ul style="list-style-type: none"> <i>No personal interest</i> 	<i>Confirmed 22/09/20</i>
Cr Seriako Dorante	<ul style="list-style-type: none"> <i>No personal interest</i> 	
Cr Kabay Tamu	<ul style="list-style-type: none"> Chair for Warraberalgal (Torres Strait Islanders) Corporation RNTBC Member and director of Malu Lamar Member and director of Gur A Baradharaw Kod Sea and Land Council Torres Strait Islander Corporation 	<i>Confirmed 24/08/20</i>
Cr Francis Pearson	<ul style="list-style-type: none"> Director of Gur A Baradharaw Kod Sea and Land Council Torres Strait Islander Corporation 	<i>Confirmed 22/09/20</i>
Cr Hilda Mosby	<ul style="list-style-type: none"> Member of The Masigalgai (Torres Strait Islanders) Corporation RNTBC 	
Cr Rocky Stephen	<ul style="list-style-type: none"> Member of Ugar Ged Kem Le Zeuber Er Kep Le (Torres Strait Islanders) Corporation RNTBC 	
Division 14 - Vacant	<ul style="list-style-type: none"> 	
Cr Aven Noah	<ul style="list-style-type: none"> Employee of Mer Gedkem Le (Torres Strait Islanders) Corporation. 	

Mette Nordling
Manager of Governance and Compliance
Phone 07 4034 5779
Email mette.nordling@tsirc.qld.gov.au

Yours faithfully,

Cr. Phillemon Mosby, Mayor
Torres Strait Island Regional Council

DRAFT



TORRES STRAIT ISLAND REGIONAL COUNCIL

Lot 12 Francis Road Hammond Island QLD 4875
Phone: (07) 4034 5775 Email: corporate.affairs@tsirc.qld.gov.au

PO Box 7336 Cairns QLD 4870
ABN 15 292 645 165

Our Ref: CAE:EXC-SH

Issued by email:
LGRMA@ministerial.qld.gov.au
northern@dlgrma.qld.gov.au

Hon Dr Steven Miles
Minister for Local Government

18/11/2020

Request for Exemption under Section 150EV

Dear Minister Miles,

I am writing to you to request exemption for Torres Strait Island Regional Council councillor to participate in and vote on matters relating to the social housing portfolio within the local government area, despite their personal interests.

Council has been approached by the Gur A Baradharaw Kod Sea and Land Council Torres Strait Islander Corporation (GBK), which was established in 2012 as the peak body of all Registered Native Title Bodies Corporates (PBCs) in the Torres Strait.

GBK are proposing to establish an independent Regional Housing Body or the Torres Strait and Northern Peninsula Area. In August 2020 GBK invited Council to attend the Torres Strait Regional Housing Summit to be held in Cairns.

At Council's ordinary meeting in August 2020 a resolution was put to Council to consider the viability of a regional housing authority and to elect representatives to attend the GBK summit.

A number of Councillors declared material personal interests or conflicts of interests and the matters were not resolved.

Council did however resolve to apply to the Minister for Local Government, Racing and Multicultural Affairs for an exemption under then section 175F of the *Local Government Act 2009* (now section 150EV) for Councillors to participate in meetings, being present during discussions and vote on matters relating to the social housing portfolio within the local government area, as the matters cannot otherwise be decided due to the number of councillors declaring material personal interests and potential conflicts of interest (now prescribed and declarable conflicts of interest).

A majority of Councillors are traditional owners and thereby members of their local PBCs which are then members of the GBK.

Access to safe and secure housing is a critical pillar to ending the disparity between Torres Strait Islander and Aboriginal communities, and the non-Indigenous population. With a portfolio of 900+ social houses, Council is the largest housing provider within the North Queensland region, and it is

not acceptable that the elected Councillors cannot take part in discussions and deliberations or vote on matters relating to this social housing portfolio.

There is a lack of housing in the Torres Strait region and Council has a consistently high number of households on waiting lists for social housing. Many wait-listed applicants are in desperate need due to an overcrowded situation, homelessness, safety or medical concerns. These residents are looking to their local elected members to take action and are not wanting to see decisions determining their housing situation being decided by Council officers over their elected Council.

Councillors' personal interests in Gur A Baradharaw Kod Sea and Land Council Torres Strait Islander Corporation are as follows:

Councillor	Personal Interest	Confirmed by Councillor
Cr Phillemon Mosby, Mayor	<ul style="list-style-type: none"> Chair for Porumalgai (Torres Strait Islanders) Corporation RNTBC Director of Gur A Baradharaw Kod Sea and Land Council Torres Strait Islander Corporation 	<i>Confirmed via register of interest</i>
Cr Getano Lui, Deputy Mayor	<ul style="list-style-type: none"> 	<i>Confirmed via register of interest</i>
Cr Dimas Toby	<ul style="list-style-type: none"> Member of Malui Ki'ai (Torres Strait Islanders) Corporation RNTBC 	
Cr Torenzo Elisala	<ul style="list-style-type: none"> Director and Secretary of the Dauanlgaw (Torres Strait Islanders) Corporation RNTBC Director of Gur A Baradharaw Kod Sea and Land Council Torres Strait Islander Corporation 	<i>Confirmed 24/08/20</i>
Cr Conwell Tabuai	<ul style="list-style-type: none"> Member of Saibai Mura Buway (Torres Strait Islanders) Corporation RNTBC 	<i>Confirmed 25/09/20</i>
Cr Keith Fell	<ul style="list-style-type: none"> No personal interest (previous Member of The Goemulgaw (Torres Strait Islanders) Corporation RNTBC) 	<i>Confirmed 22/09/20</i>
Cr Laurie Nona	<ul style="list-style-type: none"> Member of Mura Badulgal (Torres Strait Islanders) Corporation RNTBC 	
Cr Lama Trinkoon	<ul style="list-style-type: none"> <i>No personal interest</i> 	<i>Confirmed 22/09/20</i>
Cr John Levi	<ul style="list-style-type: none"> <i>No personal interest</i> 	<i>Confirmed 22/09/20</i>
Cr Seriako Dorante	<ul style="list-style-type: none"> <i>No personal interest</i> 	
Cr Kabay Tamu	<ul style="list-style-type: none"> Chair for Warraberalgal (Torres Strait Islanders) Corporation RNTBC Member and director of Malu Lamar Member and director of Gur A Baradharaw Kod Sea and Land Council Torres Strait Islander Corporation 	<i>Confirmed 24/08/20</i>
Cr Francis Pearson	<ul style="list-style-type: none"> Director of Gur A Baradharaw Kod Sea and Land Council Torres Strait Islander Corporation 	<i>Confirmed 22/09/20</i>
Cr Hilda Mosby	<ul style="list-style-type: none"> Member of The Masigalgai (Torres Strait Islanders) Corporation RNTBC 	
Cr Rocky Stephen	<ul style="list-style-type: none"> Member of Ugar Ged Kem Le Zeuber Er Kep Le (Torres Strait Islanders) Corporation RNTBC 	
Division 14 - Vacant	<ul style="list-style-type: none"> 	

Cr Aven Noah	<ul style="list-style-type: none"> Employee of Mer Gedkem Le (Torres Strait Islanders) Corporation. 	
--------------	--	--

Mette Nordling
Manager of Governance and Compliance
 Phone 07 4034 5779
 Email mette.nordling@tsirc.qld.gov.au

Yours faithfully,

Cr. Phillemon Mosby, Mayor
 Torres Strait Island Regional Council

DRAFT

Terms of Reference for the Standing Committee on GBK Matters

1. Objective

The Standing Committee on GBK Matters is established as a standing committee under section 264 of the *Local Government Regulation 2012*.

The Committee members should:

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

2. Portfolio Area

The Committee's portfolio area is matters concerning Gur A Baradharaw Kod Sea and Land Council Torres Strait Islander Corporation. The Committee is established as a Committee of Councillors who do not have a personal interest in GBK.

3. Term

The Standing Committee on GBK Matters is effective from 1 December 2022 until terminated by Council.

4. Membership

Members shall be:

1. Cr Getano Lui, Deputy Mayor (Chair) (as the Mayor's delegate)
2. Cr Lama Trinkoon
3. Cr John Levi
4. Cr Seriako Dorante
5. Cr Keith Fell

Any member who acquires a personal interest in GBK shall as soon as practicable notify the Chair of his personal interest and of his resignation from the Committee.

5. Standing Orders and Meeting Procedures

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

Where a member misses two consecutive meetings without formal apology, the member will be removed from the Committee.

6. Meetings

The Committee will meet quarterly unless otherwise scheduled.

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

Meeting quorum shall be two members.

Attendance may be via videoconference or teleconference.

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

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

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

7. Amendment, Modification or Variation

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

8. Executive Support

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

9. Administrative Support

Secretariat support will be provided by the Secretariat Office.



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	November 2022
DATE:	18 November 2022
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Change of December OM meeting place
AUTHOR:	Mette Nordling, Manager, Governance and Compliance

Recommendation:

Council resolves to change the location of the December 2022 Ordinary Meeting of Council, to be held on 13-14 December 2022, from Badu to Boigu.

Executive Summary:

Due to the timing of activities, it is considered appropriate to move the December Ordinary Meeting location from Badu to Boigu to coincide with the official opening of the Boigu Seawall.

Background:

At Council's Ordinary Meeting in December 2021 Council resolved to hold the December Ordinary Meeting on Badu.

Following on from this meeting, completion of the Boigu Seawall has been reached and the planning of the opening commenced. In order to ensure a timely opening ceremony and to align with a Council meeting in the region, it is considered to be in the interest of Council to conduct the Council meeting at Boigu.

Comment:

The meeting will still be a face-to-face meeting in region on the already endorsed dates, and the relocation is not considered to create any attendance issues for Councillors.

Considerations

Risk Management

There is not considered to be any risk associated with this date change.

Council Finance

This December meeting is already scheduled to be an in-person meeting in region, and it is not considered to have any significant financial impact relocating the meeting from Badu to Boigu.

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 change the location of the December 2022 Ordinary Meeting of Council to Boigu.

**Author:**

Mette Nordling
Manager, Governance and Compliance

Approved:

James William
Chief Executive Officer



TORRES STRAIT ISLAND REGIONAL COUNCIL

LATE AGENDA REPORT

ORDINARY MEETING:	November 2022
DATE:	17 - 18 November 2022
ITEM:	Agenda Item for Council consideration
SUBJECT:	Mirabou Energy
AUTHOR:	James William

Recommendation:

That Council notes this Report and confirms its commitment to encouraging and delivering renewable energy and emission reduction solutions including by having Council officers:

1. Liaise with Mirabou Energy to investigate proposals for renewable/sustainable energy solutions with a view to making recommendations to Council;
2. Make all enquiries necessary including of third parties in relation to the funding of a project of this nature;
3. Liaise with and seek recommendation Council's Climate Change Adaption and Environment Committee; and
4. Provide a further report to Council in relation to the above.

Executive Summary:

This Report confirms Council's commitment to investigate proposals for renewable/sustainable energy solutions.

Background:

1. Council had expressed a strong desire to investigate and deliver renewable/sustainable energy solutions.
2. Mirabou Energy is on Council's current Register of pre-qualified suppliers for Goods, Services and Materials.
3. Mirabou Energy has approached Council to investigate and co-ordinate on its behalf renewable/sustainable energy solutions.
4. On 8 November 2022, Mirabou Energy addressed a Council workshop where Council expressed a desire to have Mirabou Energy work with Council's Executive team to develop a project proposal to be put to Council.
5. The purpose of this Report is to confirm Council's commitment to that course.

Comment:

One of Council's Priority Areas includes encouraging and delivering renewable energy and emission

reduction solutions.

Mirabou Energy have experience in delivering projects of this nature and Council officers understand Council wishes its officers to liaise with Mirabou Energy to investigate such solutions and develop a project proposal to be put to Council for consideration.

Considerations

Risk Management

No specific risks are identified.

Council officers propose that any risks that arise in this investigative stage be managed by seeking ongoing legal assistance.

Reputational

Given the large number of stakeholders likely to be engaged in any project it is necessary that thorough investigations and consideration is given to any proposed project to avoid reputational harm to Council.

Council Finance

No funds are allocated in the budget for these investigations and funding is not currently sought.

The investigations will however require a considerable investment of Council officers time given the significant scope of any proposed project.

Consultation:

- MacDonnells Law

Links to Strategic Plans:

2020-2025 Corporate Plan, Strategic Delivery Pillar – Sustainability:

Outcome 9 – We actively reduce our environmental footprint and manage our resources sustainability.

Objective 9.1 Facilitate the introduction of renewable energy production, and sustainable consumption. Key delivery – Investigate and facilitate the introduction of alternative or renewable energy technologies via individual pilot programs and regional solutions.

Statutory Requirements:

Local Government Act 2009

Local Government Regulation 2012

Conclusion:

That Council notes this Report and confirms its commitment to encouraging and delivering renewable energy and emission reduction solutions including by having Council officers:

1. Liaise with Mirabou Energy to investigate proposals for renewable/sustainable energy solutions with a view to making recommendations to Council;
2. Make all enquiries necessary including of third parties in relation to the funding of a project of this nature;
3. Liaise with and seek recommendation Council's Climate Change Adaption and Environment Committee; and
4. Provide a further report to Council in relation to the above.

A handwritten signature in black ink, appearing to be 'James William', with a long horizontal flourish extending to the right.

Approved:
James William
Chief Executive Officer