



Torres Strait Island
REGIONAL COUNCIL

MINUTES

TORRES STRAIT ISLAND REGIONAL COUNCIL

DECEMBER 2020

SPECIAL MEETING

Friday 18th December 2020

Video Conference

Friday 18th December 2020

Present

Cr Phillemon Mosby, Mayor - Poruma
Cr Torenzo Elisala, Division 2 – Dauan
Cr Lama Trinkoon, Division 6 – Kubin, Mua Island
Cr John Levi, Division 7 – St Pauls, Mua Island
Cr Seriako Dorante, Division 8 – Kirriri
Cr Getano Lui Jnr, Division 9 – Iama
Cr Francis Pearson, Division 11 – St Pauls, Mua Island
Cr Hilda Mosby, Division 12 – Masig
Cr Rocky Stephen, Division 13 – Ugar

Ms Hollie Faithfull, Acting Chief Executive Officer (Acting CEO) (Cairns Office)
Mr Ilario Sabatino, Chief Operating Officer (COO) (phone)
Mr David Baldwin, Chief Engineer (CE) (Cairns Officer)
Ms Nicola Daniels, Acting Chief Financial Officer (Acting CFO) (Cairns Office)
Mr Peter Krebs, Senior Legal Council (MLS) (phone)
Mrs Ursula Nai, Senior Executive Assistant (SEA) (TI Office)
Mrs Kathy Cochran – Secretariat Officer (SO) (Cairns Officer)

Apologies

Cr Dimas Toby, Division 1 – Boigu
Cr Conwell Tabuai, Division 3 – Saibai
Cr Keith Fell, Division 4 – Mabuiag
Cr Laurie Nona, Division 5 – Badu
Cr Kabay Tamu, Division 10 – Warraber
Cr Aven Noah, Division 15 – Mer

COUNCIL ORDINARY MEETING

Friday 18th December 2020

Agenda Items

1. 10:15am – 10:20am Welcome and Opening Remarks

Mayor Mosby welcomed all Councillors and staff to the meeting and thanked them for their attendance and invited Cr Levi to open the meeting in prayer.

Mayor Mosby acknowledge the traditional owner of all the land we meet on today in Cairns and across the Zenadth Kes Region. He also paid respect and offered condolences to the families who are in sorry business and asked Councillors and staff to observe a minute silence.

Cr Levi through the Mayor informed the Council in his Division they were currently celebrating a wedding and it is shadow by the recent passing of a community elder.

2. 10:20am – 10:27am Apologies

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

RESOLUTION:

Moved: Cr Levi; *Second:* Cr Stephen

That Council resolves to accept the apology of Cr Toby for the Special Meeting held on Friday 18th December 2020 via video conference.

MOTION CARRIED

Against: Cr Elisala

(Cr Elisala is against the motion – this meeting date was agreed to and endorsed by all Councillors at the December OM at Badu last week, Councillors should have said then they were unable to attend as this would have not wasted the time of the administration staff and the Team putting the reports together for endorsement at this Special meeting)

- Cr Noah – Division 15 – Mer – (cultural business – tombstone unveiling)

RESOLUTION:

Moved: Cr Lui; *Second:* Cr Pearson

That Council resolves to accept the apology of Cr Noah for the Special Meeting held on Friday 18th December 2020 via video conference.

MOTION CARRIED

Against: Cr Elisala

(Cr Elisala reasoning for being against the motion – this meeting date was agreed to and endorsed by all Councillors at the December OM at Badu last week, Councillors should have said then they were unable to attend as this would have not wasted the time of the administration staff and the Team putting the reports together for endorsement at this Special meeting)

- Cr Nona – Division 5 – Badu - (cultural business – tombstone unveiling)

RESOLUTION:

Moved: Cr Stephen; Second: Cr Pearson

That Council resolves to accept the apology of Cr Nona for the Special Meeting held on Friday 18th December 2020 via video conference.

MOTION CARRIED

Against: Cr Elisala

(Cr Elisala reasoning for being against the motion – this meeting date was agreed to and endorsed by all Councillors at the December OM at Badu last week, Councillors should have said then they were unable to attend as this would have not wasted the time of the administration staff and the Team putting the reports together for endorsement at this Special meeting)

- Cr Tabuai – Division 2 – Saibai – sorry business

RESOLUTION:

Moved: Cr Pearson; Second: Cr Levi

That Council resolves to accept the apology of Cr Tabuai for the Special Meeting held on Friday 18th December 2020.

MOTION CARRIED

Against: Cr Elisala

(Cr Elisala reasoning for being against the motion – this meeting date was agreed to by and endorsed by all Councillors at the December OM at Badu last week, Councillors should have said then they were unable to attend as this would have not wasted the time of the administration staff and the Team putting the reports together for endorsement at this Special meeting)

- Cr Kabay Tamu – Division 10 – Warraber – (currently travelling)

RESOLUTION:

Moved: Cr Mosby; Second: Cr Pearson

That Council resolves to accept the apology of Cr Tamu for the Special Meeting held on Friday 18th December 2020 via video conference.

MOTION CARRIED

Against: Cr Elisala

(Cr Elisala reasoning for being against the motion – this meeting date was agreed to by and endorsed by all Councillors at the December OM at Badu last week, Councillors should have said then they were unable to attend as this would have not wasted the time of the administration staff and the Team putting the reports together for endorsement at this Special meeting)

- Cr Keith Fell – Division 4 – Mabuiag – no reason given and unable to be contacted

RESOLUTION:

Moved: no one moved; Second: no one second

That Council resolves to accept the apology of Cr Fell for the Special Meeting held on Friday 18th December 2020 via video conference.

MOTION IS LOST

3. **10:27am – 10:31am** **Declaration of Conflict of Interest (COI) / Material Person Interest (MPI)**

No declaration by Councillors.

The Acting Chief Executive Officer and the Acting Chief Financial Officer both make the following declaration on the Industrial Relation Matter – Closed Business Report. After seeking legal advice from Preston Law, they declare the following;

- We both are entitled to receive the payment should Council resolve to make it;
- the fact that the subject matter of the report requires Council to either make the payment identified or not – in other words, it is not an option to pay particular staff an amount and not others, and so all staff affected by the decision will be affected in the same way;
- the recommendation contained in the report that Council make the payment is consistent with the multiple legal advices obtained, which conclude that Council has no option but to make the payment;
- We both hold the view that notwithstanding our entitlement to receive the payment, given the nature of the matters and the legal advice, and the fact that we both are delivering the report rather than making a decision on the matter (which falls to the councillors), we both propose to manage the conflict by disclosing it, but otherwise stay in the meeting to deliver the report and respond to questions from councillors.

4. **10:31am – 10:33am** **GOVERNANCE – 2021 Council Meeting Date Amendments**

Acting Chief Executive Officer spoke to the report.

RESOLUTION:

Moved: Cr Stephen; *Second:* Cr Levi

1. **That Council endorse the amended January date as the ordinary meeting dates for SARG Committee for 2021:**

Standing Committee	Meeting dates/ times / venue
SARG	Tuesday 19 th January 2020 9am – 12 pm

2. **That Council endorse the amended January date as Council's Ordinary meeting dates for 2021;**

Month 2020	Date	Venue/Division
January	Wednesday 20 th and Thursday 21 st January	Poruma

MOTION CARRIED

5. **10:33am – 10:46am** **BUSINESS SERVICES – Contractual Matter – Telstra**

Acting Chief Executive Officer spoke to the report and informed council, Warren Jenkins, TSIRC Manager of Information Technology Services has joined (10:34am) the meeting to further explain the report and answer any questions.

RESOLUTION:

Moved: Cr Elisala; Second: Cr Stephen

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

1. **Power to make, amend or discharge the (contract number: Telecommunication Services – NPN1.18)**
2. **Power to negotiate, finalise and execute any and all matters associated with or in relation to this tender and contract including without limitation any options and/or variations.**

MOTION CARRIED

6. **10:46am – 11:19am** **COUNCIL MOVE INTO CLOSED BUSINESS**

Acting Chief Executive Officer asked Secretariat officer and the Senior Executive Assistant to leave the room. Staff left the room at 10:46am.

- Mayor Phillemon Mosby and Cr Hilda Mosby both declared a conflict of interest as they were both past employees of the Torres Strait Island Regional Council and would-be recipients.

RESOLUTION:

Moved: Cr Lui; Second: Cr Levi

Council resolves that it is in the public interest that both Cr Hilda Mosby and Mayor Phillemon Mosby participates in the discussion regarding the Industrial Relations Matter because a reasonable person would trust that the final decision is made in the public interest.

MOTION CARRIED

- Acting Chief Executive Officer, Miss Hollie Faithfull and Acting Chief Financial Officer, Ms Nichola Daniels both declared a conflict of interest as they are current employees and on receiving legal advice make the following declaration;
 - We both are entitled to receive the payment should Council resolve to make it;
 - the fact that the subject matter of the report requires Council to either make the payment identified or not – in other words, it is not an option to pay particular staff an amount and not others, and so all staff affected by the decision will be affected in the same way;
 - the recommendation contained in the report that Council make the payment is consistent with the multiple legal advices obtained, which conclude that Council has no option but to make the payment;
 - We both hold the view that notwithstanding our entitlement to receive the payment, given the nature of the matters and the legal advice, and the fact that we both are delivering the report rather than making a decision on the matter (which falls to the councillors), we both propose to manage the conflict by disclosing it, but otherwise stay in the meeting to deliver the report and respond to questions from councillors.

RESOLUTION:

Moved: Cr Elisala; *Second:* Cr Levi

Council resolves that it is in the public interest that both the Acting Chief Executive Officer, Ms Hollie Faithfull and the Acting Chief Financial Officer, Ms Nicola Daniels participates in the discussion regarding the Industrial Relations Matter because a reasonable person would trust that the final decision is made in the public interest.

MOTION CARRIED

RESOLUTION:

Moved: Cr Levi; *Second:* Cr Trinkoon

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

b) industrial matters affecting employees

MOTION CARRIED

- **OCEO – CLOSED BUSINESS - Industrial Relations Matter**

Acting Chief Executive Officer spoke to the report.

7. 11:19am – 11:20am COUNCIL MOVE OUT OF CLOSED BUSINESS

RESOLUTION:

Moved: Cr Levi; *Second:* Cr Pearson

That Council move out of Closed Business.

MOTION CARRIED

11:20am – Staff re-joined the meeting.

8. 11:20am – 11:21am OCEO – Industrial Relations Matter

RESOLUTION:

Moved: Cr Stephen; *Second:* Cr Pearson

Council resolves to;

- Make the payments to the Affected Employees, for the reasons, and on the terms, considered by Council during the closed session of this meeting; and**
- Delegate authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to liaise with employee and otherwise give effect to items (a) of this resolution.**

MOTION CARRIED

11:21am - SO and SEA re-joined the meeting.

9. **11:21am – 11:32noon** **Closing Remarks and Prayer**

Mayor Mosby thanked Councillors and staff for their attendance, especially at this time of the year and invited the acting Chief Executive Officer to brief Councillors on the business continuity Plan over the Christmas shutdown period...

Acting Chief Executive Officer provided Council with a briefing on the business continuity plan and informed Council the Acting Chief Financial Officer, Nichola Daniels have tender a letter to step down from the acting role and concentrate on her substantial position of Financial Services Manager. Acting Chief Executive Officer expressed her sincere thanks to Ms Daniels for all her help and assistance in the acting capacity and informed Council in the interim, David Baldwin, Chief Engineer will oversee Strategic and Logistics and Ilario Sabatino, Chief Operating Officer will oversee People and Wellbeing.

Deputy Mayor thanked Ms Daniels for all her hard work and asked if this affects the structure.

Mayor Mosby thanked Ms Daniels and all the Chief of Staff and closed the meeting in prayer.

Meeting closed – 11:32am

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Hollie Faithfull
Acting Chief Executive Officer
Torres Strait Island Regional Council
20th January 2021

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Phillemon Mosby
Mayor
Torres Strait Island Regional Council
20th January 2021