



Torres Strait Island
REGIONAL COUNCIL

JUNE 2020

MINUTES

ORDINARY MEETING

Tuesday 23 June 2020 09:15am – 5:15pm

Wednesday 24 June 2020 09:20am – 4:37pm

Videoconference

Tuesday 23 June 2020

Present

Cr Phillemon Mosby, Mayor (Poruma Office)
Cr Torenzo Elisala, Division 2 – Dauan (Dauan Office)
Cr Conwell Tabuai, Division 3 – Saibai (Saibai Office)
Cr Keith Fell, Division 4 – Mabuiag (Mabuiag Office)
Cr Laurie Nona, Division 5 – Badu (Badu Office)
Cr Lama Trinkoon, Division 6 – Kubin, Mua Island (Kubin Office)
Cr John Levi, Division 7 – St Pauls, Mua Island (Cairns Office)
Cr Seriako Dorante, Division 8 – Kirriri (Kirriri Office)
Cr Getano Lui Jnr, Division 9 – Iama (Iama Office)
Cr Kabay Tamu, Division 10 – Warraber (Warraber Office)
Cr Francis Pearson, Division 11 – Poruma (Poruma Office)
Cr Hilda Mosby, Division 12 – Masig (Masig Office)
Cr Rocky Stephen, Division 13 – Ugar (Ugar Office)
Cr Boggo Gela, Division 14 – Erub (Erub Office)
Cr Aven Noah, Division 15 – Mer (Mer Office - phone)
Mr Bruce Ranga, Chief Executive Officer (CEO) (Cairns Office)
Ms Hollie Faithfull, Chief Financial Officer (CFO) (Cairns Office)
Mr Ilario Sabatino, Chief Operating Officer (COO) (Cairns Office)
Mr Adeah Kabai, Acting Head of Engineering (AHOE) (Cairns Office)
Mr Peter Krebs, Manager Legal Services (MLS) (Cairns Office)
Mr Luke Ranga, Head of Corporate Affairs and Engagement (HCAE) (Cairns Office)
Ms Rachel Pierce, Head of Community Services (HOCS) (Cairns Office)
Mrs Kathy Cochran – Senior Executive Assistant (SEA) (Cairns Office)
Ms Naila Nomoa – Secretariat Officer (SO) (Cairns Office)
Ms Mette Nordling – Contracts Manager (Cairns Office)

Apologies

Cr Dimas Toby, Division 1 – Boigu

1. **9:15am – 9:21am** **Opening Prayer and Welcome 0**

Mayor Mosby did a roll call of Councillors and staff present and informed Council he received an apology from Cr Toby due to recent sorry business in his community.

Mayor acknowledged and paid respect to:

- Papa God
- The traditional owners, Elders, Leaders, and children throughout Zenadth Kes
- Respect to the families in sorry business
- Councillors
- CEO and staff

Mayor welcomed Councillors, CEO and staff to the meeting and invited Cr Fell to open the meeting in prayer. Mayor informed Council of the recent passing of an ex Councillor and asked for a minute silent to pay respect and remember his contribution to the leadership of our communities.

2. **9:21am – 9:23am** **Apologies**

- Cr Dimas Toby, Division 1 – Boigu Island
Cr Toby applied for leave of absence due to recent sorry business in his family.

RESOLUTION

Moved: Cr Elisala; *Second:* Cr Nona

That Council accepts the apology from Cr Toby for his absence at this meeting.

MOTION CARRIED

3. **9:23am – 9:24am** **Declaration of Conflict of Interest (COI) or Material Personal Interest (MPI)**

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

4. **9:24am – 9:25am** **Confirmation of Council Statutory Meeting Minutes – 21 April 2020**

RESOLUTION:

Moved: Cr Fell *Second:* Cr Pearson

That the minutes of the Council Statutory Meeting held on 21st April 2020, be adopted as a true and accurate record of that meeting.

MOTION CARRIED

5. **9:25am – 9:26am** **Confirmation of May 2020 Ordinary Meeting Minutes**

RESOLUTION:

Moved: Cr Fell *Second:* Cr Dorante

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

MOTION CARRIED

9:26am – 9:29am

CEO introduced to Council two newly appointed executive officers and gave them both an opportunity to speak about themselves and their professional background

- Ms Rachel Pierce – Head of Community Services
- Mr Ilario Sabatino – Chief Operating Officer

6. 9.29am – 9:46am Outstanding Ordinary Meeting Action Items

Action Items list from the May OM updated.

1. SEA to provide Councillors with the whole Action items list – Ongoing
2. Councillors to provide the CEO with their top 5 priority list for each of their communities – Ongoing
3. CEO to provide Cr Dorante with the top priority list for Hammond Island – Close
4. TSRA MOA – SARG will be reviewing it and perhaps look at all MOA. – Ongoing
5. HOE to provide a report to Council on what is in place versus current aspiration or new priority around water infrastructure across the whole Region
6. MLS/ MEHW – to provide a paper to the June OM on EHW powers – Presentation to June OM – close
7. CEO to follow up with Administration around admin support for Mayor on ground – being discussed at Budget meeting next week – Ongoing
8. MLS to follow up with DATSIP on DOGIT status and if they anticipate having funding for the Katter Leases and transfers. - Ongoing
9. BSU to provide monthly information report to Council meetings – Close
10. BSU to have consultation with QBuild – Close
11. BSU to provide Council with the Regional Plan for Asbestos. – CEO gave update – Ongoing
12. Housing to forward Housing Allocation Policy to Cr Dorante – HOCS will follow up with the Housing team.

7. 9:46am – 10:01am Standing Agenda Items (verbal update)

9.50am - Councillor Levi joined the meeting

- **SARG update** - Mayor Mosby noted the SARG Information report for Councillors' information and gave a brief verbal update on the discussion topics that were discussed at the last SARG meeting.

8. 10:01am – 10:59am BUSINESS SERVICES – Financial Policies Review

Chief Financial Officer spoke to the report.

Cr Lui raised concerns around bringing new Councillors up to speed in understanding of Council's policies and suggested the policies be workshopped.

Cr Dorante asked for part two of the resolution to be explained. CFO explained and gave an example.

Cr Nona asked for confirmation if the resolution is passed today and the policy is workshopped in July and identified any changes that needs to be made from the workshop discussion then changes can be made.

Cr Fell assured Councillors that Policies are made by Council and Council can make changes.

Chief Financial Officer confirmed Cr Fell's statement and took Council through each Policy and Councillors were provided the opportunity to ask questions.

ACTION: Workshop the Policy with Councillors after the July Ordinary Meeting at Poruma.

RESOLUTION:

Moved: Cr Lui; *Second:* Cr Elisala

Council resolves to:

1. Adopt the following Torres Strait Island Regional Council policies:

- Investment Policy
- Debt Policy
- Revenue Policy
- Fiscal Governance Policy
- Entertainment and Hospitality Policy
- Information Technology Policy and

2. delegate authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to make further minor administrative amendments as they arise.

MOTION CARRIED

10:59am – 11:15am – Morning Tea break

Mayor did a roll call to establish a quorum. Quorum reached.

9. 11:20am- 11:36am BUSINESS SERVICES – Asset Revaluation 2019/2020

Chief Financial Officer spoke to this report

RESOLUTION:

Moved: Cr Noah; *Second:* Cr Pearson

That Council resolves to note the comprehensive asset valuation results for the period ending 30 June 2020 as prepared by Jones Lang LaSalle and endorsed by the Audit Committee.

MOTION CARRIED

10. 11:36am – 11:42am CORPORATE – Policy Matter – Procurement Policy

Head of Corporate Affairs and Engagement spoke to the report.

RESOLUTION:

Moved: Cr Pearson; *Second:* Cr Levi

That Council resolves to adopt the Procurement & Ethical Sourcing Policy; and delegate authority to the Chief Executive Officer (CEO) in accordance with the *Local Government Act 2009* to;

- 1. Enter into, negotiate, finalise and execute contracts up to a value of \$200,000 (ex.GST), and**
- 2. Enter into, negotiate, finalise and execute contracts for recurring operational expenditure as identified in the Procurement & Ethical Sourcing Policy, and**
- 3. To make further minor administrative amendments as they arise.**

MOTION CARRIED

11. 11:42am – 11:49am CORPORATE – Saibai Fuel Replacement Project

Head of Corporate Affairs and Engagement spoke to the report.

RESOLUTION:

Moved: Cr Tabuai; *Second:* Cr Pearson

That Council resolves to delegate authority to the Chief Executive Officer under the provisions of the *Local Government Act 2009* to:

1. Enter into the proposed Funding Agreement for the Saibai Fuel Replacement Project with the Department of State Development, Infrastructure and Planning (DSDMIP) for the grant of funding in the sum \$826,900 excluding GST on the terms and conditions proposed by DSDMIP to the CEO's satisfaction.

MOTION CARRIED

12. 11:49am – 11:49AM COUNCIL MOVE INTO CLOSED BUSINESS

RESOLUTION:

Moved: Cr Elisala; *Second:* Cr Tamu

That in accordance with section 275 (1) 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) Contracts proposed to be made by Council.

h) Business for which public discussion would be likely to prejudice the interests of Council or someone else or enable a person to gain a financial advantage.

MOTION CARRIED

13. BUSINESS SERVICES – Prejudicial Matter – Liability Insurance Renewal 2020/21

14. BUSINESS SERVICES – Prejudicial Matter – Industrial Special Risk Insurance Renewal 20/21

12:24pm – 1:00pm – LUNCH

15. BUILDING SERVICES - Contractual Matter – GEH Saibai

16. ENGINEERING SERVICES – Coastal Hazard Adaptation Strategy – Stage 4 & 5

17. ENGINEERING SERVICES – Saibai Sewerage Treatment Plant Upgrade

18. 2:32pm – 2:32pm COUNCIL MOVE OUT OF CLOSED BUSINESS

RESOLUTION:

Moved: Cr Elisala; *Second:* Cr Noah

That Council move out of Closed Business.

MOTION CARRIED

13. BUSINESS SERVICES – Prejudicial Matter – Liability Insurance Renewal 202/21

RESOLUTION:

Moved: Cr Tabuai; *Second:* Cr Nona

That Council resolves to accept the offer of membership of Local Government Mutual Liability dated 2 June 2020, effective from 30 June 2020.

MOTION CARRIED

14. BUSINESS SERVICES – Prejudicial Matter – Industrial Special Risk Insurance Renewal 20/21

Paper was for Council information only.

15. BUILDING SERVICES – Contractual Matter – GEH Saibai

RESOLUTION:

Moved: Cr Tabuai; *Second:* Cr Nona

That Council resolves to

- Award contract TSIRC2020-300 – Construction of 4 x 1 Bedroom GEH Units (4 Main Road, Saibai) to Strategic Builders Pty Ltd for the amount of \$3,847,090.68 excluding GST.
- and
- Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to enter into contract, negotiate, finalise and executive any and all matters associated in relation to this project, subject to Council's normal procurement policies and practices.

MOTION CARRIED

ACTION: CEO - Council requested additional scoring information (percentages) for all tender processes. Team to implement and streamline the reporting for tender award across the organisation.

16. ENGINEERING SERVICES – Coastal Hazard Adaptation Strategy – Stage 4 & 5

RESOLUTION:

Moved: Cr Elisala; *Second:* Cr Tabuai

That Council:

- Award Contract *TSIRC 2020-320 - QCoast2100 Coastal Hazard Adaptation Strategy Phases 4 & 5* to Alluvium Consulting, up to an amount of \$205,070.00 excl. GST.
- Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to negotiate, finalise and execute any and all matters associated with or in relation to this project and contract in accordance with TSIRCs procurement practices and policies.

MOTION CARRIED

17. ENGINEERING SERVICES – Saibai Sewerage Treatment Plant Upgrade

RESOLUTION:

Moved: Cr Tabuai; *Second:* Cr Pearson

That Council:

- Award Contract *TSIRC 2019-155- ICCIP Project #67 - Saibai Sewage Treatment Plant (STP) Renewal* to Koppens Developments Ltd Pty up to an amount of \$8,710,603.00 excl. GST.
- Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to negotiate, finalise and execute any and all matters associated with or in relation to this project and contract in accordance with TSIRCs procurement practices and policies.

MOTION CARRIED

18. 2:38pm – 2:41pm Business Arising from Information Reports

Nil. CEO encouraged Councillors to send their issues or request via the Mayor's email address for action by the Team.

19. **2:41pm – 2:46pm** **Next Meeting Dates**

- Budget & Operational Plan Workshop – 29 & 30 June
- July Ordinary Meeting – 21 & 22 - Poruma

20. **2:46pm – 3:38pm** **Deputy Mayor – Resolution**

Cr Lui put forward the Resolution and explained the purpose of the resolution as a way forward for Council. Cr Lui provided Council with a brief history of the Governance in our Region since 1974 and the changes and impacts to date. Torres Strait Islanders have a right to make decisions for themselves.

Chief Executive Officer responded to Cr Lui's proposal with some concerns regarding the wording of the resolution, however in support of the end goal. Manager for Legal Services also provided advice.

Councillors expressed views and support for the resolution.

RESOLUTION:

Moved: Cr Lui; *Second:* Cr Gela

That Council resolve that as the Belcarra Reform is a direct impingement of the United Nations Charter on the rights of Indigenous people to self-management and self-determination. The Mayor is to advise the State Minister for Aboriginal and Torres Strait Islander Policy, the Honourable Craig Crawford MP, that TSIRC respectfully request an immediate review into the lack of the total management and control of the decision making processes in the Torres Strait Island communities and the roles and responsibilities of Community Councillor as the elected representatives.

MOTION CARRIED

ACTION: CEO to meet with Cr Lui to discuss the Charter before engagement with State. Also include at the meeting the Mayor, Head of Corporate and Engagement, Manager for Legal Services, and the Chief Operating Officer.

3:38pm – 3:56pm – Afternoon Tea

Mayor did a roll call to establish quorum. Quorum reached.

21. **3:56pm - 5:13pm** **Local Laws and By Laws – Authorised Persons – Environmental Health Workers Powers**

Manager Legal Service presented to Council on the Local Laws, By Laws and Environmental Health workers as authorised officers.

ACTION: Council requested Manager EHW to visit each community to explain the roles and responsibilities of Environmental Health Workers.

Cr Elisala requested a report to be tabled tomorrow in Trustee business – Dauan Telstra Tower.

CEO informed Council he will be an apology for the July OM at Poruma as he will be on leave and advised Miss Hollie Faithfull will be the Acting Chief Executive Officer in his absence.

22. **5:13pm – 5:15pm** **Closing Prayer**

Mayor invited Cr Levi to close the meeting in prayer.

Wednesday 24 June 2020

Present

Cr Phillemon Mosby, Mayor (Poruma Office)
Cr Torenzo Elisala, Division 2 – Dauan (Dauan Office)
Cr Conwell Tabuai, Division 3 – Saibai (Saibai Office)
Cr Keith Fell, Division 4 – Mabuiag (Mabuiag Office)
Cr Laurie Nona, Division 5 – Badu (Badu Office)
Cr Lama Trinkoon, Division 6 – Kubin, Mua Island (Kubin Office)
Cr John Levi, Division 7 – St Pauls, Mua Island (Cairns Office)
Cr Seriako Dorante, Division 8 – Kirriri (Kirriri Office)
Cr Getano Lui Jnr, Division 9 – Iama (Iama Office)
Cr Kabay Tamu, Division 10 – Warraber (Warraber Office)
Cr Francis Pearson, Division 11 – Poruma (Poruma Office)
Cr Hilda Mosby, Division 12 – Masig (Masig Office)
Cr Rocky Stephen, Division 13 – Ugar (Ugar Office)
Cr Boggo Gela, Division 14 – Erub (Erub Office)
Cr Aven Noah, Division 15 – Mer (Mer Office - phone)
Mr Bruce Ranga, Chief Executive Officer (CEO) (Cairns Office)
Ms Hollie Faithfull, Chief Financial Officer (CFO) (Cairns Office)
Mr Ilario Sabatino, Chief Operating Officer (COO) (Cairns Office)
Mr Peter Krebs, Manager Legal Services (MLS) (Cairns Office)
Ms Rachel Peirce, Head of Community Services (HOC) (Cairns Office)
Mrs Kathy Cochran – Senior Executive Assistant (SEA) (Cairns Office)
Ms Naila Nomoa – Secretariat Officer (SO) (Cairns Office)
Ms Mette Nordling – Contracts Manager (Cairns Office)

Apologies

Cr Dimas Toby, Division 1 – Boigu

23. **9:20am – 9:26am** **Welcome and Opening Prayer**

Mayor Mosby welcomed everyone one back for the second day and invited Cr Gela to open the meeting in prayer.

24. **9:26am – 10:38am** **PRESENTATION 1: Local Thriving Communities – Dr Chris Sara – Director-General and Mr John Bray, Department of Aboriginal and Torres Strait Islander Partnership.**

10:14am – Cr Fell joined the meeting

10:38am – 10:54am – Morning Tea Break

25. **10:54am – 11:40am** **PRESENTATION 2: Remote Indigenous Land and Infrastructure Program Office, Mr Gerhard Visser, Department of Aboriginal and Torre Strait Islander Policy.**

ACTION: SEA to send Gerhard Visser and John Conroy's contact details to Councillors.

26. **11:40am - 12:40pm** **PRESENTATION 3: Mirabou Energy – Mr James Williams - Proposed joint venture – Renewable Energy Project.**

12:40pm – 1:36pm – LUNCH

1:36pm - Mayor Mosby did a roll call to establish a quorum.

1.45pm - Chief Executive Officer left the meeting

27. **1:39pm – 1:39pm** **COUNCIL MOVE INTO TRUSTEE BUSINESS**

RESOLUTION:

Moved: Cr Elisala; *Second:* Cr Pearson

That in accordance with Section 83 of the Local Government Act 2009 (QLD) management of Community Deeds of Grant in Trust, the meeting of the Trustee of Community DOGIT be convened and conducted as separate meetings from the Indigenous Regional Council.

MOTION CARRIED

27. **1:39pm – 1:53pm** **LEGAL – TRUSTEE – Telstra Tower – Dauan**

Manager Legal Services spoke to this report.

RESOLUTION:

Moved: Cr Elisala; *Second:* Cr Fell

That Council issue a Development Permit for 'Material Change of Use (code)' with the inclusion of the conditions set out in Part 6 of the Agenda Report for Upgrade Telecommunications Tower – Dauan.

MOTION CARRIED

ACTION: Manager Legal Service to send Councillors a copy of the TSIRC Zenadth Kes Planning Scheme 2016.

28. **1:53pm – 1:53pm** **COUNCIL MOVE OUT OF TRUSTEE BUSINESS**

RESOLUTION:

Moved: Cr Noah; Second: Cr Pearson

That Council move out of Trustee Business and resume normal Local Government Business.

MOTION CARRIED

1:50pm - Chief Financial Officer joined the meeting

29. **1:53pm – 3:28pm** **Strategic Matters**

Cr Tabuai requested an update of the Saibai waiting shed.

ACTION: Chief Financial Officer to send information on Saibai waiting shed to Cr Tabuai.

Cr Elisala requested update on the following items.

- Ergon Leases to be reviewed
- Dauan Ferry
- Community Hall Dauan
- Courts and grandstands

ACTION: CEO to forward to responsible team member for actioning.

Cr Levi requested the following.

- Council for a support letter to go to TSRA NTO to progress the Moa ILUA. Mayor provided Cr Levi with advice around the ILUA.
- Letter to Ergon for a backup generator at St Paul's as the power supply comes from Kubin and St Paul's has been subjected to many power outages and for several days each time.

Cr Pearson also raised issues around five houses on Poruma in need of concrete under new houses (health issues). CEO advised Councillor to send their issues in an email to Mayor@tsirc.qld.gov.au to be actioned by the Team.

Cr Fell raised the Fuel Bowser issue and wanted to know the status. There were 12 sites highlighted as high risk in a report by the previous COO.

ACTION: CEO to update Council at July OM. CEO requested Cr Fell send a copy of the report to himself and the new COO.

Cr Dorante raised the following issues.

- Sewerage Treatment Plant at Hammond – always overflowing and onto the road. There was funding available to fix it.
- Community Health Centre for Hammond. Cr Dorante highlighted the need for his community to be considered like the other TSIRC community regardless of its close proximity to TI and its health services.

Cr Nona raised the issue about.

- illegal dumping and the dumping of turtle and dugong waste.
- Update on the repairs to the Badu wharf that was set on fire.
- 99-year Home ownership – Pricing. Badu PBC will be writing to Council on their pricing proposal.

CEO provided Cr Dorante and Cr Nona update on their issues raised.

ACTION: Team to provide a paper on 99year home ownership to the July OM with a Methodology on pricing.

Mayor Mosby reiterated to Councillor to use the Mayor@tsirc.qld.gov.au email address to raise any issues for attention by the Team.

Mayor raised the following.

- Naming of the Region.
- IKC building accessibility and resources poor
- Engagement of Environmental Health Workers

ACTION: HCAE Team to provide a paper on the Naming of our Region.

ACTION: Review the ICK Program – take off lined

Cr Fell mentioned Skytrans had a deputation with Council last August at Boigu and would like to have another opportunity to present their new Executive Team to the new Council.

ACTION: SEA to contact Samantha and invite Skytrans to the August OM.

Cr Tamu raised the following issues:

- 10 houses affected by the sewer pump station leaking – health issue.
- Public gathering in Council facilities and Church services.

Cr Stephen requested the following.

- DATSIP to present at the next meeting around Katter Leases.
- Department of Housing to provide an update on the Status on housing in the Region since the National Partnership Agreement on Remote Indigenous Housing (NPARIH) and the State Government's position
- Regional Assembly – Update Councillors on status and Budget

2:59pm – 3:01pm – Afternoon Tea

3.10pm - Chief Executive Officer re-joined the meeting

Cr Lui raised the issue of holding Community meetings and the need for clear directions and messaging around community meetings to the local Divisional officers. He further raised concerns about mail delivery and parcels being opened and tampered with before arriving in communities. This matter was raised in the past and needs to be taken up with Australia Post.

Regional Assembly – A meeting is being planned to take place soon.

ACTION: SEA to invite TSRA Chair to attend July OM at Poruma to attend the discussion on Regional Assembly. Booklets to be sent out to all Councillors.

Cr Lui proposed the following resolution.

RESOLUTION:

Moved: Cr Pearson; Second: Cr Noah

That Council agree to fully to endorse the Thriving Community's proposal as presented by the Director-General of the Department of Aboriginal and Torres Strait Islander Policy, Dr Chris Sara and further delegate the authority to the SARG Committee to represent Council to progress the future development of the proposal.

MOTION CARRIED

Cr Tabuai asked for feedback from the CEO on the 5 Priority List for each community.

ACTION: SEA to collate and distribute to Councillors

Cr Lui asked CEO to provide information on Trust Funds. Trust Accounts have been set up. Methodology on the expenditure in each community needs to be workshopped with Council.

ACTION: SEA to place Trust Fund on workshop agenda for July.

Cr Noah asked about the TSRA Major Infrastructure Program round 6 and 7.

Cr Dorante asked about the Community Project List and the Trust money.

Cr Lui asked about the resolution for entry into communities.

ACTION: Team to send a letter to the airlines to inform them of obtaining permission from Councillors on ground before entering the community.

Mayor thanked everyone for their attendance over the past two days and encouraged Councillor to send their issues to the Mayor email address for action.

30. **3:52pm – 4:30pm** **BUSINESS SERVICES – Insurance**

RESOLUTION:

Moved: Cr Elisala; Second: Cr Pearson

That Council resolves to schedule a special meeting on Monday 29th June 2020 at 9am to resolve the matter of Council Insurance cover for assets, building services contract works, volunteers, travel and personal accident for the 2020/21 financial year.

MOTION CARRIED

Mayor invited Chief Executive Officer to close the meeting in a word of prayer.

Meeting Closed at 4:37pm - Prayer by Chief Executive Officer



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Hollie Faithful
Acting Chief Executive Officer
Torres Strait Island Regional Council



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Philemon Mosby
Mayor
Torres Strait Island Regional Council