



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 Torengo Elisala, Division 2 – Dauan
Cr Conwell Tabuai, Division 3 – Saibai
Cr Keith Fell, Division 4 – Mabuig
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)
Mr Dawson Sailor, Head of Community Services (HOCS)
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



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Mr James William
Chief Executive Officer
Torres Strait Island Regional Council
Date: 17/11/2022



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Mr Phillemon Mosby
Mayor
Torres Strait Island Regional Council
Date: 17/11/2022