

Minutes

TORRES STRAIT ISLAND REGIONAL COUNCIL

July 2022

Tuesday 19th July 2022, 9:48am – 5:13pm
Wednesday 20th July 2022, 9:10am – 4:05pm

Video Conference

COUNCIL ORDINARY MEETING

Tuesday, 19th July 2022

PRESENT:

Cr Phillemon Mosby, Mayor
Cr Dimas Toby, Division 1 - Boigu
Cr Torenzo Elisala, Division 2 – Dauan
Cr Conwell Tabuai, Division 3 – Saibai
Cr Keith Fell, Division 4 – Mabuia
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 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)
Mr Dawson Sailor, Head of Community Services (HOCS)
Mr Wayne Green, Executive Director Building Services (EDBS)
Ms Julia Maurus, Senior Legal Officer (SLO)
Mrs Ursula Nai, Senior Executive Assistant to the CEO (SEA)
Mr Jacob Matysek, Executive Officer, Corporate Affairs (EO)
Ms Naila Nomoa, Travel Officer - Minute Taker

APOLOGIES:

Cr Hilda Mosby, Division 12 – Masig (Yorke) (due to sorry business)
Mr Peter Krebs, Acting Executive Director Corporate Services (a/EDCS) – (sick)
Ms May Mosby, Acting Secretariat Officer – (due to sorry business)

COUNCIL ORDINARY MEETING

Tuesday, 19th July 2022

1. **9:48am – 9:48am** **Welcome and Opening Remarks**

Mayor Phillemon Mosby convened the Council Ordinary Meeting for the month of July and completed a roll call of Councillors to establish a quorum.

2. **9:48am – 9:50am** **Apologies**

- Cr Hilda Mosby, Division 12 – Masig (due to sorry business)

RESOLUTION:

Moved: Cr Aven Noah; Second: Cr Francis Pearson

That Council accepts the apology of Cr Hilda Mosby for Day 1 of July's 2022 Ordinary meeting.

MOTION CARRIED UNANIMOUS

3. **9:50am – 9:51am** **Declaration of Conflict of Interest (COI) (Prescribed and Declarable)**

Cr Conwell Tabuai declared a Prescribed Conflict of Interest in Council Meeting Agenda Item 9 – CORPORATE – Community Grant Program as he is a member of the Muiyngu Koekaper Dance Team and therefore a related party under s150EP. Cr Conwell Tabuai declared an interest under s150EQ(4).

Cr Conwell Tabuai declared a Prescribed Conflict of Interest in Council Meeting Agenda Item 9 – CORPORATE – Community Grant Program from Saibai Western United JRL Team as his son is a team member of the Saibai Western United Team and therefore a related party under s150EP. Cr Conwell Tabuai declared an interest under s150EQ(4).

Cr Conwell Tabuai proposed to leave and stay away from the place where the meeting is being held while the matters are discussed and voted on.

Cr Kabay Tamu declared a Declarable Conflict of Interest in Council Meeting Agenda Item 9 – CORPORATE – Community Grant Program from U18's Men's Rugby League and U12's Rugby League – Surumau Gladiators as he is a Board Member of Surumau Gladiators and therefore a related party under s150EP. Cr Kabay Tamu declared an interest under s150EQ(4).

Cr Kabay Tamu declared a Prescribed Conflict of Interest in Council Meeting Agenda Item 9 – CORPORATE – Community Grant Program as he is a team member of the Poruma Dart Team and therefore a related party under s150EP. Cr Kabay Tamu declared an interest under s150EQ(4).

Cr Kabay Tamu proposed to leave and stay away from the place where the meeting is being held while the matters are discussed and voted on.

Mayor Phillemon Mosby declared a Prescribed Conflict of Interest in Council Meeting Agenda Item 9 – CORPORATE – Community Grant Program from New Day Torres Strait Islander Corporation as he is involved in the project and therefore a related party under s150EP. Mayor Phillemon Mosby declared an interest under s150EQ(4).

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

Cr Keith Fell declared a Prescribed Conflict of Interest in Council Meeting Agenda Item 9 – CORPORATE – Community Grant Program as the Individual Applicant, Nadai Fell-Mau is his grandson and therefore are related parties under s150EP. Nadai Fell-Mau is the applicant in this matter and Cr Keith Fell declared an interest under s150EQ(4).

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

4. **9:51am – 10:00am** **Confirmation of Previous Council Ordinary Meeting Minutes – Day 1**
- 28th June 2022
- RESOLUTION:**
Moved: Cr Francis Pearson; Second: Cr Aven Noah
That Council resolves to accept the minutes of the Ordinary Meeting held on 28th June 2022 to be a true and accurate account of that meeting.
- MOTION CARRIED UNANIMOUS**
- Day 2**
- 29th June 2022
- RESOLUTION:**
Moved: Cr Francis Pearson; Second: Cr Aven Noah
That Council resolves to accept the minutes of the Ordinary Meeting held on 29th June 2022 to be a true and accurate account of that meeting.
- MOTION CARRIED UNANIMOUS**
5. **10:00am – 10:02am** **Confirmation of Previous Council Special Meeting Minutes**
- 23rd June 2022
- RESOLUTION:**
Moved: Cr Torenzo Elisala; Second: Cr Conwell Tabuai
That Council resolves to accept the minutes of the Council Special Meeting held on 23rd June 2022, to be a true and accurate account of that meeting.
- MOTION CARRIED UNANIMOUS**
6. **10:02am – 10:10am** **Confirmation of Housing and Safe and Healthy Communities Committee Minutes**
- 20th June 2022
- RESOLUTION:**
Moved: Cr Keith Fell; Second: Cr John Levi
That Council resolves to accept the minutes of the Housing and Safe and Healthy Communities Committee Meeting held on 20th June 2022, to be a true and accurate account of that meeting.
- MOTION CARRIED UNANIMOUS**
- MORNING TEA 10:10AM – 10:30AM**
7. **10:39am – 10:42am** **Outstanding Council Ordinary Meeting Action Items**
- Mr James William, Chief Executive Officer provided an update on the action items arising from June's meeting.
8. **10:42am – 10:58am** **CORPORATE – Funding Acquisition Report**
- Mr David Baldwin, Executive Director Engineering Services spoke to the report in the absence of Mr Peter Krebs, Acting Executive Director Corporate Services The report provides an update and summary of Council's recent grant acquisition activities.
- Ms Melissa Wright, Acting Manager Enterprise Development and Delivery dialled in to the meeting to assist with any enquiries.
- RESOLUTION:**
Moved: Cr Francis Pearson; Second: Cr Jimmy Gela
That Council resolves to note this report and its content.
- MOTION CARRIED UNANIMOUS**

9. **10:58am – 12:01pm** **CORPORATE – Community Grants Program – July 2022**

Ms Hollie Faithfull, Executive Director Financial Services spoke to the report in the absence of Mr Peter Krebs, Acting Executive Director Corporate Services with the assistance of Ms Melissa Wright, Acting Manager Enterprise Development and Delivery.

Badu Western United JRL Team

RESOLUTION:

Moved: Cr Francis Pearson; Second: Cr Kabay Tamu

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

- **Badu Western United JRL Team for the eligible amount of \$1,782.00 exclusive of GST, as per submitted application.**

MOTION CARRIED UNANIMOUS

Muiyngu Koekaper Dance Team

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr Lama Trinkoon

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

- **Muiyngu Koekaper Dance Team for the eligible amount of \$6,000.00 exclusive of GST, as per submitted application noting that Muiyngu Koekaper Dance Team applied for \$10,000.00.**

MOTION CARRIED UNANIMOUS

11:10am – Cr Laurie Nona joined the meeting.

Saibai Western United JRL Team

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr Francis Pearson

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

- **Saibai Western United JRL Team for the eligible amount of \$6,346.00 exclusive of GST, as per submitted application.**

MOTION CARRIED UNANIMOUS

11:40am – Cr Conwell Tabuai left the meeting due to a conflict of interest.

11:45am – Cr Conwell Tabuai re-joined the meeting.

11:47am – Cr Kabay Tamu left the meeting due to conflicts of interest.

Under 18's Men's Rugby League – Surumau Gladiators

RESOLUTION:

Moved: Cr Jimmy Gela; Second: Cr Aven Noah

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

- **Under 18's Men's Rugby League – Surumau Gladiators for the eligible amount of \$5,000.00 exclusive of GST, as per submitted application.**

MOTION CARRIED UNANIMOUS

U12's Rugby League – Surumau Gladiators

RESOLUTION:

Moved: Cr Francis Pearson; Second: Cr Laurie Nona

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

- **Under 12's Rugby League – Surumau Gladiators for the eligible amount of \$2,000.00 exclusive of GST, as per submitted application.**

MOTION CARRIED UNANIMOUS

11:53am – Cr Kabay Tamu re-joined the meeting

Mabuiag U12's Western United JRL Team

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr Rocky Stephen

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

- **Mabuiag U12's Western United JRL Team for the eligible amount of \$5,000.00 exclusive of GST, as per submitted application noting that Mabuiag U12's Western United JRL Team applied for \$5,676.00.**

MOTION CARRIED UNANIMOUS

Erub Snipers Dart Team

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr Kabay Tamu

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

- **Erub Snipers Dart Team for the eligible amount of \$3,000.00 exclusive of GST, as per submitted application.**

MOTION CARRIED UNANIMOUS

P&C Association – Poruma Campus

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr Aven Noah

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

- **P&C Association – Poruma Campus for the eligible amount of \$5,000.00 exclusive of GST, as per submitted application.**

MOTION CARRIED UNANIMOUS

11:52am – Cr Kabay Tamu left the meeting due to a conflict of interest.

Poruma Dart Team

RESOLUTION:

Moved: Cr Jimmy Gela; Second: Cr Aven Noah

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

- **Poruma Dart Team for the eligible amount of \$4,100.00 exclusive of GST, as per submitted application.**

MOTION CARRIED UNANIMOUS

11:53am – Cr Kabay Tamu re-joined the meeting.

Dauan Island Youth Group

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr Francis Pearson

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

- **Dauan Island Youth Group for the eligible amount of \$10,000.00 exclusive of GST, as per submitted application.**

MOTION CARRIED UNANIMOUS

11:52am – Cr Kabay Tamu left the meeting due to a conflict of interest.

Mary Lowatta (Mura Kosker Masig)

RESOLUTION:

Moved: Cr Francis Pearson; Second: Cr Lama Trinkoon

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

- **Mary Lowatta (Mura Kosker Masig) for the eligible amount of \$500.00 exclusive of GST, as per submitted application.**

MOTION CARRIED UNANIMOUS

Bob Modee

RESOLUTION:

Moved: Cr Aven Noah; Second: Cr Keith Fell

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

Bob Modee for the eligible amount of \$2,500.00 exclusive of GST, as per submitted application.

MOTION CARRIED UNANIMOUS

David Bosun (Kubin U12's Western United JRL Team)

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr Lama Trinkoon

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

David Bosun (Kubin U12's Western United JRL Team) for the eligible amount of \$2,500.00 exclusive of GST, as per submitted application.

MOTION CARRIED UNANIMOUS

Yoshira Newie (St Paul's U12's Western United JRL Team)

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr Francis Pearson

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

Yoshira Newie (St Paul's U12's Western United JRL Team) for the eligible amount of \$2,500.00 exclusive of GST, as per submitted application.

MOTION CARRIED UNANIMOUS

11:31am – Cr Keith Fell left the meeting due to a conflict of interest.

Nadai Fell-Mau (Dauan U12's Western United JRL Team)

RESOLUTION:

Moved: Cr Lama Trinkoon; Second: Cr Aven Noah

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

Nadai Fell-Mau (Dauan U12's Western United JRL Team) for the eligible amount of \$2,500.00 exclusive of GST, as per submitted application.

MOTION CARRIED UNANIMOUS

11:32am – Cr Keith Fell re-joined the meeting.

Due to an administrative error, the Regional Grant applications received for Round 3 of the 2021/22 financial year were not passed during the June Council meeting, and as such have been resubmitted for consideration.

Council resolves to allocate Regional Grants Program funding under Round 3 of the 2021/22 financial year to the following applicants in accordance with the Community Grants Policy:

Church of the Rock Ministry – Boigu

RESOLUTION:

Moved: Cr Francis Pearson; Second: Cr Jimmy Gela

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

• **Church of the Rock Ministry – Boigu for the eligible amount of \$2,500.00 exclusive of GST, as per submitted application noting that Church of the Rock Ministry – Boigu applied for \$4,000.00.**

MOTION CARRIED UNANIMOUS

Mabuiag U12's Western United JRL Team

RESOLUTION:

Moved: Cr Laurie Nona; Second: Cr Conwell Tabuai

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

- **Mabuiag U12's Western United JRL Team for the eligible amount of \$2,500.00 exclusive of GST, as per submitted application noting that Mabuiag U12's Western United JRL Team applied for \$3,000.00.**

MOTION CARRIED UNANIMOUS

11:57am – Mayor Phillemon Mosby left the meeting due to a conflict of interest.

11:57am – Deputy Mayor Cr Getano Lui chaired the meeting in the interim.

New Day Torres Strait Islander Corporation

RESOLUTION:

Moved: Cr Aven Noah; Second: Cr Keith Fell

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

- **New Day Torres Strait Islander Corporation for the eligible amount of \$2,500.00 exclusive of GST, as per submitted application noting that New Day Torres Strait Islander Corporation applied for \$15,120.00.**

MOTION CARRIED UNANIMOUS

11:59am - Mayor Phillemon Mosby re-joined the meeting

ACTION: Community Grants Team to contact Cr Getano Lui for a community grant for the August 23 Celebrations.

ACTION: Community Grants forward to Divisional Managers the process of applying for community Grants for the information of Community members.

10. **12:01pm – 12:48pm**

CORPORATE – Operational Plan 2021-22 Q4 Update

Ms Hollie Faithfull, Executive Director Financial Services spoke to the report in the absence of Mr Peter Krebs, Acting Executive Director Corporate Services.

Mr David Baldwin, Executive Director Engineering Services, Mr Wayne Green, Executive Director of Building Services and Mr Dawson Sailor, Head of Community Services assisted in presenting this report.

12:09pm – Mr David Baldwin, Executive Director Engineering Services left the meeting.

12:10pm – Mr David Baldwin, Executive Director Engineering Services re-joined the meeting.

12:13pm – Ms Hollie Faithfull, Executive Director Financial Services left the meeting.

12:15pm – Ms Hollie Faithfull, Executive Director Financial Services re-joined the meeting.

12:23pm – Mr Wayne Green, Executive Director Building Services left the meeting.

12:24pm – Mr Wayne Green, Executive Director Building Services re-joined the meeting.

12:27pm – Mr James William, Chief Executive Officer left the meeting.

12:36pm – Mr James Willam, Chief Executive Officer re-joined the meeting.

LUNCH 12:48pm – 1:39pm

1:39pm – 3:51pm

CORPORATE – Operational Plan 2021-22 Q4 Update (continued)

In-depth discussions continued on the Operational Plan.

1:44pm – Cr Conwell Tabuai joined the meeting

1:56pm – Cr Getano Lui joined the meeting

2:10pm – Mr David Baldwin, Executive Director Engineering Services left room

3:12pm - Mr David Baldwin, Executive Director Engineering Services re-joined

3:13pm – Cr Francis Pearson left room

3:16pm – Cr Francis Pearson re-joined

ACTION: Acting Executive Director Corporate Services to ensure staff promote and share stories on TSIRC social media pages.

ACTION: Executive Director Building Services (interim) investigate the Blue phone in community for reporting Repairs and Maintenance.

ACTION: Acting Executive Director Corporate Services provide a report on Regional Governance to the next Council Meeting.

ACTION: Acting Executive Director Corporate Services and Senior Legal Counsel to review the Poruma ILUA (Indigenous Land Use Agreement).

ACTON: Acting Executive Director Corporate Services to have the Transitional Action Plan (TAP) report and framework completed before November 2022.

ACTION: Acting Executive Director Corporate Services to follow up with Manager IT on improving video conference and connectivity for Council Meetings.

RESOLUTION:

Moved: Cr Francis Pearson; Second; Cr Laurie Nona

Council resolves to note the Operational Plan 2021-22 Quarter 4 Update.

MOTION CARRIED UNANIMOUS

AFTERNOON TEA 3:35PM – 3:51pm

11. **3:51pm – 4:21pm**

CORPORATE – Operational Plan 2022-2023

Ms Hollie Faithfull, Executive Director Financial Services spoke to the report in the absence of Mr Peter Krebs, Acting Executive Director Corporate Services

RESOLUTION:

Moved: Cr Jimmy Gela; Second: Cr Francis Pearson

That Council resolve to:

1. endorse the Operational Plan for the 2022-23 financial year, in accordance with Section 174 of the *Local Government Regulation 2012*

and

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

MOTION CARRIED UNANIMOUS

12. **4:21pm – 4:28pm**

LEGAL – Delegations Update: RTRA, WSSR, PHIC

Ms Julia Maurus, Senior Legal Officer spoke to the report.

RESOLUTION:

Moved: Cr Francis Pearson; Second: Cr Keith Fell

That under section 257 of the *Local Government Act 2009*, Council delegate to the Chief Executive Officer the exercise of powers under the *Residential Tenancies and Rooming Accommodation Act 2008* ("RTRA"), the *Water Supply (Safety and Reliability) Act 2008* ("WSSR"), and the *Public Health (Infection Control for Personal Appearance Services) Act 2003* (Qld) ("PHIC") and these powers must be exercised subject to Ailan Kastom and any limitations contained in Schedule 2 of the attached Instruments of Delegation.

MOTION CARRIED UNANIMOUS

13. **4:28pm – 4:40pm**

FINANCE – Policy Matter – Procurement & Ethical Sourcing Policy for Review

Ms Hollie Faithfull, Executive Director Financial Services spoke to the report with regards to regular monitoring and review of policies to reflect legislative changes and to continuously improve Council's governance.

RESOLUTION:

Moved: Cr Aven Noah; Second: Cr Torenzo Elisala

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.

MOTION CARRIED UNANIMOUS

14. **4.40pm – 4:47pm** **FINANCE – Contractual Matter – Sole Suppliers**

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

RESOLUTION:

Moved: Cr Francis Pearson; Second: Cr Jimmy Gela

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.
4. To note Attachment B.

MOTION CARRIED UNANIMOUS

15. **4:47pm – 4:50pm** **COMMUNITY SERVICES – Deed of Variation (Department of Education) Childcare**

Mr Dawson Sailor, Head of Community Services spoke to the report.

The Agreement allows continuation of services in Aragon Child Care and also Hammond Island Outside School Hours Care (OSHC).

RESOLUTION:

Moved: Cr John Levi; Second: Cr Keith Fell

Council resolves to

- Approve Deed of Variation No.7 with Department of Education and
- Delegate authority to the Chief Executive Officer under the provisions of the *Local Government Act 2009*:
 - o power to make, amend or charge the funding agreement; and
 - o power to negotiate, finalise and executive any and all matters associated in relation to this funding agreement, without limitation any options and/or variations.

MOTION CARRIED UNANIMOUS

16. **4:50pm – 4:50pm** **COUNCIL MOVES INTO CLOSED BUSINESS**

RESOLUTION:

Moved: Cr Aven Noah; Second: Cr Conwell Tabuai

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

17. **BUILDING – CB – BSU Update**

18. **4:50pm – 5:13pm** **Closing Remarks and Prayer**

Mayor Phillemon Mosby thanked all Councillors, Executive and Administration Staff for their attendance and participation in today's meeting and closed the meeting in a word of prayer.

MEETING ADJOURNED – 5:13PM

COUNCIL ORDINARY MEETING

Wednesday, 20th July 2022

PRESENT:

Cr Phillemon Mosby, Mayor
Cr Torenzo Elisala, Division 2 – Dauan
Cr Conwell Tabuai, Division 3 – Saibai
Cr Keith Fell, Division 4 – Mabuia
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)
Mr Wayne Green, Executive Director Building Services (EDBS)
Mr Dawson Sailor, Head of Community Services (HOCS)
Ms Julia Maurus, Senior Legal Officer (SLO)
Mrs Ursula Nai, Senior Executive Assistant to the CEO (SEA)
Mr Jacob Matysek, Executive Officer, Corporate Affairs (EO)
Ms May Mosby, Acting Secretariat

APOLOGY:

Mr Peter Krebs, Acting Executive Director Corporate Services (A/EDCS)

COUNCIL ORDINARY MEETING – Day 2
Wednesday, 20th July 2022

24. **9:10am – 9:18am** **Welcome and opening prayer**

Mayor Phillemon Mosby welcomed Councillors and Executive and Administration Staff to the second day of Council's Ordinary Meeting and acknowledged families in the region who are in sorry business.

Mayor Mosby completed a roll call to establish a quorum and invited Deputy Mayor, Cr Getano Lui to open the meeting in a word of prayer.

9:18am – 9:18am **COUNCIL MOVES OUT OF CLOSED BUSINESS AND RESUMES IN OPEN BUSINESS**

RESOLUTION:

Move: Cr Aven Noah; Second: Cr Torenzo Elisala

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

MOTION CARRIED UNANIMOUS

25. **9:18am – 10:17am** **Deputation 1 | LGAQ – President - Mr Mark Jamieson and CEO Ms Allison Smith**

Mayor Mosby welcomed Allison Smith, CEO of LGAQ and Mayor Mat Burnett, Acting President representing Mark Jamieson, President and Simon Booth to the meeting via video conference from the Thursday Island TSIRC Office.

9:29am – Mr David Baldwin, Executive Director Engineering Services left the meeting.

9:30am – Mr David Baldwin re-joined the meeting.

9:37am – Mr James William, Chief Executive Officer left the meeting.

9:38am – Ms Hollie Faithfull, Executive Director Financial Services left the meeting.

9:39am – Mrs Ursula Nai, Senior Executive Assistant to the CEO left the meeting.

9:40am – Mr James William re-joined the meeting.

9:41am – Ms Hollie Faithfull re-joined the meeting.

9:45am – Mrs Ursula Nai, re-joined the meeting.

10:13am – Mrs Ursula Nai left the meeting.

10:14am – Mrs Ursula Nai re-joined the meeting.

MORNING TEA 10:17am – 10:34am

10.34am – 10:34am **COUNCIL MOVES INTO CLOSED BUSINESS**

RESOLUTION:

Moved: Cr Kabay Tamu; Second: Cr Francis Pearson

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.

18. **BUILDING – CB – Contractual Matter – Lot 55 Army Street, Boigu**

19. **FINANCE – CB – Financial Dashboard Report – June 2022**

20. **FINANCE – CB – Ged Erub – Utilities & Other Charges Relief**

21. **ENGINEERING – CB – Fuel Improvement Program Status Update Report**

27. **ENGINEERING – CB – Fuel Price Review – **Late****

28. **ENGINEERING – CB – Funding Matter – Community Fuel Resource Upgrade 2022/24 LGGSP**

LUNCH 12:13pm – 1:20pm

26. **1:59pm – 2:01pm**

COUNCIL MOVES OUT OF CLOSED BUSINESS AND RESUMES IN OPEN BUSINESS

RESOLUTION:

Moved: Cr Hilda Mosby; Second: Cr Lama Trinkoon

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:

17. **BUILDING – CB – BSU Update**

RESOLUTION:

Moved: Cr Kabay Tamu; Second: Cr Conwell Tabuai

Council resolves to note the Building Services Report for June

MOTION CARRIED UNANIMOUS

18. **BUILDING – CB – Contractual Matter – Lot 55 Army Street, Boigu**

RESOLUTION:

Moved: Cr Dimas Toby; Second: Cr Francis Pearson

Council resolves to:

1. Submit a tender to the Queensland State Government through the Department of Energy and Public Works- QBuild to carry out Home Ownership Works at 55 Army Street, Boigu (QBFNQ0615UP1) with a tender price of \$317,544.69 excl of GST.
and
2. delegate to the Chief Executive Officer's submit the tender, enter into contracts, negotiate, finalise and execute any and all matters in relation to this tender.

MOTION CARRIED UNANIMOUS

19. **FINANCE – CB – Financial Dashboard Report – June 2022**

RESOLUTION:

Moved: Cr Laurie Nona; Second: Cr Lama Trinkoon

That Council receive and endorse the monthly financial statements attached to the officer's report for the 2021-22 year to date, for the period ended 30 June 2022, as required under Section 204 *Local Government Regulation 2012*.

MOTION CARRIED UNANIMOUS

20. **FINANCE – CB – Ged Erub – Utilities & Other Charges Relief**

RESOLUTION:

Moved: Cr Laurie Nona; Second: Nil

OPTION 1 – GRANT A CONCESSION

Council resolves to grant a concession in the form of a rebate to GETHE for outstanding charges totalling [insert amount Council is willing to rebate] on the basis that such rebate will encourage further economic development of the local government area.

MOTION LOST

OPTION 2 – NOT GRANT A CONCESSION

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr Aven Noah

Council resolves not to grant a concession to GETHE.

**MOTION CARRIED
AGAINST: Cr Laurie Nona**

21. **ENGINEERING – CB – Fuel Improvement Program Status Update Report**

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr Francis Pearson
That the Council notes the report.

MOTION CARRIED UNANIMOUS

ACTION: That Executive Director Engineering Services to follow up with Managers to visit Mer to review fuel bowser locations and the workshop potential rebuild options.

27. **ENGINEERING – CB – FUEL PRICE REVIEW**

RESOLUTION:

Moved: Cr Rocky Stephen; Second: Cr Francis Pearson
Council resolves to:

1. Maintain the current fuel subsidy whilst increasing the sale price of both unleaded and diesel fuel to \$3.70 per litre (inclusive of GST) due to increased fuel related costs, effective from 8 August 2022 and amend the Register of Fees and Charges accordingly;
and
2. On a monthly basis undertake a sale price review of fuel and table the analysis at the monthly ordinary meeting for Council consideration; and
3. Where deemed appropriate amend the sale price on a monthly basis, subject to Council resolution.

MOTION CARRIED UNANIMOUS

28. **ENGINEERING – CB – Funding Matter – Community Fuel Resource Upgrade 2022/24 LGGSP**

RESOLUTION:

Moved: Cr Seriaiko Dorante; Second: Cr Francis Pearson
Council resolves to:

- Enter into the proposed funding agreement, to complete the Community Fuel Resource Upgrade Project, administered by the Department of State Development, Infrastructure, Local Government and Planning, through the Local Government Grants and Subsidies Program, for the total grant sum of \$1,140,000.00 (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

30. **2:06pm – 2:14pm** **FINANCE – Adoption of Water Utility Charges for the 2022/23 Financial Year**

Ms Hollie Faithfull, Executive Director Financial Services spoke to the report. The report provides the details of the water utility access and usage charges for the 2022/2023 financial year which have both increased 5% as part of the formulation of the 2022/2023 original budget.

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr Aven Noah

1. Council resolves that pursuant to Section 94 of the *Local Government Act 2009* (Qld) and Regulation 99 of the *Local Government Regulation 2012* (Qld), Council make and levy water utility charges for the supply of water services by Council for the 2022/2023 financial year as follows:
Residential:
 - (a) An annual access charge of \$218 per building (noting there may be more than one building on each property) shall be applied and levied in equal half-yearly instalments to land that is occupied and used solely for residential purposes (excluding residential land the subject of a 40-year lease to the State Government);

Mixed Use:

- (b) An annual access charge of \$1,090.50 per building (noting there may be more than one Building on each property) shall be applied and levied in equal half-yearly instalments to land that is used, in part, for residential purposes and used, in part, for commercial/industrial purposes, including, but not limited to guest houses, motels, home-run businesses and tourist facilities and including whether owned by Council or owned by the occupant as a private property or Katter Lease.
- (c) In respect of all such properties and/or premises classified as mixed use at which a water meter is installed on the water service connection to such property and/or premises, water use shall be charged at the rate of \$1.50 per kilolitre for all water passing through the water meter within the water year.

Commercial:

- (d) An annual access charge of \$2,181 per building (noting there may be more than one building on each property) shall be applied and levied in equal half-yearly instalments to land that is occupied and used for commercial/industrial purposes, including, but not limited to:
 - i. guest houses, hotels, motels;
 - ii. shops, tourist facilities, arts and culture activities;
 - iii. land used by government or utility (telecommunications, electricity);
 - iv. providers to aid in the delivery of commercial and/or government services. i.e. Education, Health, Customs, etc; or
 - v. all other land not categorised as residential or mixed use
 - (e) In respect of all such properties and/or premises classified as commercial at which a water meter is installed on the water service connection to such property and/or premises, water use shall be charged at the rate of \$3 per kilolitre for all water passing through the water meter within the water year.
2. Council resolves, pursuant to Regulation 102 of the *Local Government Regulation 2012* (Qld) that a water meter will be taken to be read on a particular day (nominated day) if the water meter is read at anytime within 2 weeks before the nominated day or 2 weeks after the nominated day.

MOTION CARRIED UNANIMOUS

31. **2:14pm – 2:16pm**

FINANCE – Adoption of Sewerage Utility Charges for the 2022/23 Financial Year

Ms Hollie Faithfull, Executive Director Financial Services spoke to the report. The report provides the details of the sewerage utility charges that will be levied for the 2022/23 financial year. A 5% increase has been applied.

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr Jimmy Gela

- 1. Council resolves that pursuant to Section 94 of the Local Government Act 2009 (Qld) and Regulation 99 of the Local Government Regulation 2012 (Qld), Council make and levy sewerage utility charges, for the supply of sewerage services by the Council for the 2022/2023 financial year as follows:
 - Residential:
 - (a) An annual access charge of \$261.00 per building (noting there may be more than one building on each property) shall be applied and levied in equal half-yearly instalments to land that is occupied and used solely for residential purposes (excluding residential land the subject of a 40-year lease to the State Government);
 - Mixed Use:
 - (b) An annual access charge of \$1,305.00 per water closet (being a single pedestal, 1.3 meters of urinal or 1-3 wall hung urinals) shall be applied and levied in equal half-yearly instalments to land that is used, in part, for residential purposes and used, in part, for commercial/industrial purposes, including, but not limited to guest houses, motels, home-run businesses and tourist facilities and including whether owned by Council or owned by the occupant as a private property or Katter Lease.
 - Commercial:
 - (c) An annual access charge of \$2,610.00 per water closet (being a single pedestal, 1.3 meters of urinal or 1-3 wall hung urinals) shall be applied and levied in equal half-yearly instalments to land that is occupied and used for commercial/industrial purposes, including, but not limited to:
 - (i) guest houses, hotels, motels;
 - (ii) shops, tourist facilities, arts and culture activities;
 - (iii) land used by government or utility (telecommunications, electricity);

- (iv) providers to aid in the delivery of commercial and/or government services. i.e. Education, Health, Customs, etc; or
- (v) all other land not categorised as residential or mixed use.

MOTION CARRIED UNANIMOUS

32. **2:16pm – 2:18pm** **FINANCE – Adoption of Waste Management Utility Charges for the 2022/23 Financial Year**

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

RESOLUTION:

Moved: Cr Francis Pearson; Second: Cr Keith Fell

1. Council resolves that pursuant to Section 94 of the *Local Government Act 2009* (Qld) and Regulation 99 of the *Local Government Regulation 2012* (Qld), Council make and levy waste management utility charges, for the supply of waste management services by the Council for the 2022/2023 financial year as follows:

Residential:

- (a) An annual access charge of \$145.00 per building (noting there may be more than one building on each property) shall be applied and levied in equal half-yearly instalments to land that is occupied and used solely for residential purposes (excluding residential land the subject of a 40-year lease to the State Government);

Mixed Use:

- (b) An access charge of \$725.00 per building (noting there may be more than one building on each property) shall be applied and levied in equal half-yearly instalments to land that is used, in part, for residential purposes and used, in part, for commercial/industrial purposes, including, but not limited to guest houses, motels, home-run businesses and tourist facilities and including whether owned by Council or owned by the occupant as a private property or Katter Lease.

Commercial:

- (c) An access charge of \$1,449.50 per building (noting there may be more than one building on each property) shall be applied and levied in equal half-yearly instalments to land that is occupied and used for commercial/industrial purposes, including, but not limited to:

- (i) guest houses, hotels, motels;
- (ii) shops, tourist facilities, arts and culture activities;
- (iii) land used by government or utility (telecommunications, electricity);
- (iv) providers to aid in the delivery of commercial and/or government services. i.e. Education, Health, Customs, etc; or
- (v) all other land not categorised as residential or mixed use.

MOTION CARRIED UNANIMOUS

33. **2:18pm – 2:27pm** **FINANCE – Statement of Estimated Financial Position for the 2021/22 Financial Year**

Ms Hollie Faithfull, Executive Director Financial Services spoke to the report. The report provides a comparison of the Statement of Financial Operations and Financial Position between 2021/22 budget review adopted December 2021 and the 2021/22 forecast.

RESOLUTION:

Moved: Cr Jimmy Gela; Second: Cr Laurie Nona

That Council note the Estimated Statement of Financial Position in accordance with section 205 of the *Local Government Regulation 2012*.

MOTION CARRIED UNANIMOUS

34. **2:27pm – 2:34pm** **FINANCE – Adoption of Original Budget 2022/23**

Ms Hollie Faithfull, Executive Director Financial Services spoke to the report. Council's Annual Budget for 2022/2023 is presented for adoption by Council.

2:31pm – Mr James William, Chief Executive Officer left the meeting.

2:32pm – Cr Francis Pearson left the meeting.

2:33pm – Mr James William re-joined the meeting.

2:33pm – Cr Francis Pearson re-joined the meeting.

RESOLUTION:

Moved: Cr Aven Noah; Second: Cr Torenzo Elisala

- I. That council adopts in accordance with sections 169 and 170 of the *Local Government Regulation 2012*, Council's Budget for the 2022/2023 financial year, incorporating:
- (i) The statements of financial position;
 - (ii) The statements of cashflow;
 - (iii) The statements of income and expenditure;
 - (iv) The statements of changes in equity;
 - (v) The long-term financial forecast;
 - (vi) The revenue statement;
 - (vii) The revenue policy (adopted by Council resolution on 28 June 2022);
 - (viii) The relevant measures of financial sustainability;
 - (ix) The total value of the change, expressed as a percentage, in the rates and utility charges levied for the financial year compared with the rates and utility charges levied in the previous budget; and
 - (x) Capital Budget.

MOTION CARRIED UNANIMOUS

ACTION: That the Executive Director Financial Services to work with the Corporate Services Team to put develop a social media post regarding the adoption of the 22/23 Original Budget

35. **2:34pm – 2:49pm** **Business Arising from Information Reports**

2:38pm – Cr John Levi left the meeting.
2:41pm – Cr John Levi re-joined the meeting.
2:44pm – Cr Laurie Nona joined the meeting.

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

Mayor Mosby requested an update on Capital works and where they are at. Mr David Baldwin spoke on the seawall project and stated there is only a year and a half left on the funding agreement. Yam, Warraber and Masig will not be finished in that time. There is only \$20m left on those three communities from the original funding agreement. Timing is an issue but would be seeking an extension of time.

Mayor Mosby requested an update on what the requirements were on the Community Disaster Management Group in terms of increasing to Tier 3 of Torres and Cape HHS Response and Recovery Plan .

Mr David Baldwin advised that he would take this matter on notice as the tier did increase a few weeks ago. The Community Disaster Management Group are meeting on Thursday and Council's BCP Team is meeting on Friday to provide an update report. Mr David Baldwin also raised the issue of COVID around the Masig celebrations in that we do need to have contingencies in place and with the council office staff due to increase in COVID cases.

36. **2:49pm – 2:50pm** **Next Council Meeting Date – 24th and 25th August 2022 – Masig**

2:50pm – Cr Aven Noah left the meeting.

37. **2:50pm – 3:19pm** **Strategic Matters**

Cr Rocky Stephen:

- Seeking support from Council and Cr Fell's Standing Committee for a registered nurse based at Ugar due a recent passing of an Elder. Asked that this matter be placed on the Housing and Safe and Healthy Communities Committee meeting agenda.

ACTION: Secretariat to add to Agenda of Housing and Safe and Healthy Communities Committee, Cr Stephen's request for a registered nurse on Ugar.

- Helicopter subsidy – expressed disappointment on the timeframe. Asked for the Chief Executive Officer to provide a response to when this subsidy will come back into operation.

ACTION: Head of Community Services to provide CEO with a briefing on the Ugar helicopter subsidy.

- Raised an issue with Mr David Baldwin, Executive Director Engineering Services on the dredging and queried why this project has taken so long. Cr Stephen raised that it was important to get this project underway.

ACTION: That Executive Director Engineering Services and Manager Capital Works have an online discussion with Cr Stephen via VC regarding the dredging.

Cr Keith Fell:

- Reported on the police summit in Cairns. Thanked the Mayor for attending the meeting on his behalf and found the meeting valuable. All the Mayors were given the opportunity to voice their concerns in relation to policing in their region and concerns of our TIPSO's had. Stated that he would love to continue to be the contact if Mayor is not available to build a relationship with police in our region and our TIPSO's.
- Cr Fell also stated that he will forward by email to the Executives a list of his strategic matters for their attention.

Cr Conwell Tabuai:

- Raised the matter of having a second option for a face to face meeting should the designated community cancels the face to face meeting due to sorry business or other issues. Preferable to have a second community on standby rather than going to video conference.

ACTION: Chief Executive Officer to review options of future face to face meetings at a second location rather than VC.

Cr Seriako Dorante:

- Clarification around the visit by Mayor and CEO to communities, when this will be happening. Mayor Mosby advised that they will look at the schedule and notify Councillor. If the matters raised are more operational than it will be the CEO and whomever he delegates that relates to that particular issue raised by community.

ACTION: That the Chief Executive Officer to develop a draft schedule of community visits for Mayor Mosby and himself for the next six months.

- Raise with Councillors around the Masterplan in line with community priority of a community health centre and to have a second option available. Thanked Cr Fell and his committee members for their support.

Cr Kabay Tamu:

- Cr Tamu raised this on a few occasions with our Council starting a Youth Council to look into the Leaders of Tomorrow. Need to take interest and invest into our leaders of tomorrow. Suggest we look into this matter for the next financial year to look at grant funding from State and Commonwealth to try and put a structure in place for this program for our young people.

ACTION: That a framework be developed around youth leadership.

Cr Laurie Nona:

- Raised on numerous occasions of asbestos removal. Still no actual response yet. CEO advised that this is an ongoing matter and which has been given priority.

This is one of the issues we are advocating very strongly with Local Government, Department of Environment and Department of Housing. This issue will be put as a priority and come back to Council next month.

ACTION: That Chief Executive Officer investigate further with Interim Executive Director Building Services regarding asbestos removal on Badu.

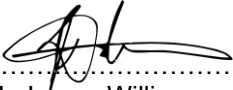
38. **3:19pm – 4:05pm** **Closing Remarks and Prayer**


3:22pm – Cr Aven Noah re-joined the meeting.

3:25pm – Cr Laurie Nona left the meeting.

Mayor Mosby acknowledged Councillors, Chief Executive Officer and Executive Staff for their attendance, participation and contribution over the two days and invited Cr Keith Fell to close the meeting in prayer.

MEETING CLOSED – 4:05PM


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Mr James William
Chief Executive Officer
Torres Strait Island Regional Council
Date: 24th August 2022


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Cr Phillemon Mosby
Mayor
Torres Strait Island Regional Council
Date: 24th August 2022