



# Minutes

TORRES STRAIT ISLAND REGIONAL COUNCIL

September 2022

Tuesday 20<sup>th</sup> September 2022, 10:33am – 5:00pm  
Wednesday 21<sup>st</sup> September 2022, 9:00am – 12:10pm

Division 11, Poruma

**PRESENT:**

Cr Phillemon Mosby, Mayor  
Cr Dimas Toby, Division 1 – Boigu  
Cr Torenzo Elisala, Division 2 – Dauan  
Cr Conwell Tabuai, Division 3 – Saibai  
Cr Keith Fell, Division 4 – Mabuiag  
Cr 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 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 Peter Krebs, Acting Executive Director Corporate Services (A/EDCS)  
Mrs Ursula Nai, Senior Executive Assistant to the CEO (SEA)  
Ms May Mosby, Acting Secretariat Officer (A/SO)

**APOLOGIES:**

Cr Kabay Tamu, Division 10 – Warraber (Sue) – Family Cultural Engagement  
Cr Lama Trinkoon, Division 6 – Kubin (Arkai), Mua Island  
Cr Laurie Nona, Division 5 – Badu – Personal Family Commitment (overseas)  
Mr Dawson Sailor, Head of Community Services (HOCS) – Family Cultural Engagement

## **COUNCIL ORDINARY MEETING**

**Tuesday, 20<sup>th</sup> September 2022**

### **Agenda Items:**

1. **10:33am – 10:36am** **Welcome and Opening Remarks**

Mayor Phillemon Mosby welcomed everyone back and reconvened the Council Ordinary Meeting for the month of September.

2. **10:36am – 10:38am** **Apologies**

Cr Kabay Tamu – Division 10 – Warraber – Family Cultural Engagement

**RESOLUTION:**

*Moved: Cr Torenzo Elisala; Second: Cr Francis Pearson*

That Council accepts the apology of Cr Kabay Tamu for the September 2022 Ordinary meeting.

**MOTION CARRIED UNANIMOUS**

Cr Lama Trinkoon – Division 6 – Kubin (Arkai) – Sorry Business

**RESOLUTION:**

*Moved: Cr Aven Noah; Second: Cr Conwell Tabuai*

That Council accepts the apology of Cr Lama Trinkoon for the September 2022 Ordinary meeting.

**MOTION CARRIED UNANIMOUS**

Cr Laurie Nona – Division 5 – Badu – Personal Family Commitment (overseas)

**RESOLUTION:**

*Moved: Cr Torenzo Elisala; Second: Cr John Levi*

That Council accepts the apology of Cr Laurie Nona for the September 2022 Ordinary meeting.

**MOTION CARRIED UNANIMOUS**

3. **10:38am – 10:38am** **Declaration of Conflict of Interest (COI) (Prescribed and Declarable)**

Cr Dimas Toby declared a Prescribed Conflict of Interest in Council Meeting Agenda Item 18 – CORPORATE – Community Grant Program as his sister is a member of the Church of the Rock, Boigu and therefore a related party under s150EP. Cr Dimas Toby declared an interest under s150EQ(4).

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

Cr Jimmy Gela declared a Prescribed Conflict of Interest in Council Meeting Agenda Item 14 – Engineering – CB – Contractual Matter – Variation to contract TSIRC 2021-349 ICCIP Project #53 – Masig Lagoon Cover Replacement as his brother, John Gela is an employee of GDT Lining Systems Pty Ltd and therefore a related party under s150EP. Cr Jimmy Gela declared an interest under s150EQ(4).

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

4. **10:38am – 10:39am** **Confirmation of Previous Council Ordinary Meeting Minutes**

- 24<sup>th</sup> August 2022

**RESOLUTION:**

*Moved: Cr Torenzo Elisala; Second: Cr Jimmy Gela*

That Council resolves to accept the minutes of the Ordinary Meeting held on 24<sup>th</sup> August 2022 to be a true and accurate account of that meeting.

**MOTION CARRIED UNANIMOUS**

5. **10:39am – 10:40am** **Confirmation of Climate Adaptation and Environment Committee Minutes**

- 16<sup>th</sup> August 2022

**RESOLUTION:**

*Moved: Cr Hilda Mosby; Second: Cr Seriako Dorante*

That Council resolves to accept the minutes of the Housing and Safe and Healthy Communities Committee Meeting held on 16<sup>th</sup> August 2022, to be a true and accurate account of that meeting.

**MOTION CARRIED UNANIMOUS**

6. **10:40am – 11:03am** **Outstanding Council Ordinary Meeting Action Items**

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

7. **11:03am – 11:04am** **COUNCIL MOVES INTO CLOSED BUSINESS**

**RESOLUTION:**

*Moved: Cr Conwell Tabuai; 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.

**MOTION CARRIED UNANIMOUS**

8. **FINANCE – CB – Financial Dashboard Report – August 2022**

9. **BUILDING – CB – BSU Update**

10. **ENGINEERING – CB – Rescind resolution for Contract TSIRC 2021-355 Hammond Island DRFA Works**

11. **ENGINEERING – CB – Rescind resolution for Contract TSIRC 2021-356 DRFA Works (Badu Island)**

12. **ENGINEERING – CB – Rescind resolution for Contract TSIRC 2021-357 Various Islands DRFA Works (Kubin, Mabuag, St Pauls, Iama, Warraber, Erub, Mer, Ugar, Masig & Poruma)**

13. **ENGINEERING – CB – Award Tender No. TSIRC 2021-337 Badu Wells Access Road Culvert Upgrade**

14. **ENGINEERING – CB – Contractual Matter – Variation to contract TSIRC 2021-349 ICCIP Project #53 – Masig Lagoon Cover Replacement**

15. **ENGINEERING – CB – TSIRC Fuel Price Update**

16. **12:09m – 12:09pm** **COUNCIL MOVES OUT OF CLOSED BUSINESS AND RESUMES IN OPEN BUSINESS**

**RESOLUTION:**

*Moved: Cr Torenzo Elisala; Second: Cr Keith Fell*

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:**

**11:04am – 11:11am**

**FINANCE – CB – Financial Dashboard Report – August 2022**

**RESOLUTION:**

*Moved: Cr John Levi; Second: Cr Conwell Tabuai*

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 31 August 2022, as required under Section 204 *Local Government Regulation 2012*.

**MOTION CARRIED UNANIMOUS**

**11:11am – 11:27am**

**BUILDING – CB – BSU Update**

**RESOLUTION:**

*Moved: Cr Conwell Tabuai; Second: Cr Torenzo Elisala*

Council resolves to note the Building Services Report for August.

**MOTION CARRIED UNANIMOUS**

**11:27am – 11:35am**

**ENGINEERING – CB – Rescind resolution for Contract TSIRC 2021-355 Hammond Island DRFA Works**

**RESOLUTION:**

*Moved: Cr Keith Fell; Second: Cr John Levi*

That Council resolves:

1. To rescind the resolution made on 20 April 2022, listed as item 13 relating to Contract TSIRC 2021-355 – Hammond Island DRFA Works to Gulf Civil Pty Ltd for an amount of up to \$538,994.92 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.

**MOTION CARRIED UNANIMOUS**

**11:35am – 11:38am**

**ENGINEERING - CB – Rescind resolution for Contract TSIRC 2021-356 DRFA Works (Badu Island)**

**RESOLUTION:**

*Moved: Cr Keith Fell; Second: Cr Francis Pearson*

That Council resolves:

1. To rescind the resolution made on 29 June 2022, listed as item 33 relating to Contract TSIRC 2021-356 – Badu Island DRFA Works, Separable Portion A and B, to McMahon Services Pty Ltd for an amount of up to \$1,587,439.84 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.

**MOTION CARRIED UNANIMOUS**

**11:38pm – 11:42am**

**ENGINEERING – CB – Rescind resolution for Contract TSIRC 2021-357 Various Islands DRFA Works (Kubin, Mabuiag, St Pauls, Iama, Warraber, Erub, Mer, Ugar, Masiq & Poruma)**

**RESOLUTION:**

*Moved: Cr Aven Noah; Second: Cr Jimmy Gela*

That Council resolves:

1. To rescind the resolution made on 20 April 2022, listed as item 15 relating to Contract TSIRC 2021-357 – Various Islands DRFA Works to Gulf Civil Pty Ltd for an amount of up to \$1,436,550.63 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.

**MOTION CARRIED UNANIMOUS**

**11:42pam – 11:46am**

**ENGINEERING – CB – Award Tender No. TSIRC 2021-337  
Badu Wells Access Road Culvert Upgrade**

**RESOLUTION:**

*Moved: Cr Dimas Toby; Second: Cr John Levi*

That Council resolves to:

1. Subject to funding approval and finalisation, award the Tender No. TSIRC 2021-337 – Badu Island Wells Access Road Culvert Upgrade, to Paul Ware Constructions Pty Ltd for an amount of up to \$524,406.50 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**

11:46am - Cr Jimmy Gela left the meeting due to a conflict of Interest as his brother, John Gela is an employee of GDT Lining Systems Pty Ltd.

11:55am - Cr Jimmy Gela re-joined the meeting.

**11:46am – 11:55am**

**ENGINEERING – CB – Contractual Matter – Variation to  
contract TSIRC 2021-349 ICCIP Project #53 – Masig  
Lagoon Cover Replacement**

**RESOLUTION:**

*Moved: Cr Francis Pearson; Second: Cr John Levi*

Council resolves to:

- Approve variations received up to 17/08/2022 in the amount of \$430,200.00 excl GST for contract TSIRC 2021-349 – ICCIP Project #53 – Masig Lagoon Cover Replacement
- And
- Delegate power to the Chief Executive Officer, pursuant to section 257 of the *Local Government Act 2009* to:
    - power to amend or discharge contract Torres Strait Island Regional Council 2021-349; and
    - negotiate, finalise, and execute any and all matters associated with or in relation to this project, funding and contract including without limitation any options and/or variations.

**MOTION CARRIED UNANIMOUS**

**11:55am –12:09pm**

**ENGINEERING– CB – TSIRC Fuel Price Update**

**RESOLUTION:**

*Moved: Cr Torengo Elisala; Second: Cr Keith Fell*

That the Council notes the report and maintain the fuel prices.

**MOTION CARRIED UNANIMOUS**

**ACTION: That the Chief Executive Officer undertake a proposal with an option to take back to Council to review for the November workshop.**

17. **12:18pm – 12:24pm** **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 Aven Noah; Second: Cr Keith Fell*

That Council resolves to note this report and its content.

**MOTION CARRIED UNANIMOUS**

18. **12:24pm – 12:45pm** **CORPORATE – Community Grants Program Allocation – August 2022**

Mr Peter Krebs, Acting Executive Director Corporate Services spoke to the report. Six (6) Community Grants applications were received for the month of September.

**Saamkarem Beizam Rugby League Club**

**RESOLUTION:**

*Moved: Cr Aven Noah; Second: Cr Conwell Tabuai*

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

- Saamkarem Beizam Rugby League Club for the eligible amount of \$4,000.00 exclusive of GST, as per submitted application noting that Saamkarem Beizam Rugby League Club applied for \$6,000.00.

**MOTION CARRIED UNANIMOUS**

**Magun Warriors - event cancelled**

**Church of the Living God – Mer Island**

**RESOLUTION:**

*Moved: Cr Jimmy Gela; Second: Cr Rocky Stephen*

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

- Church of the Living God – Mer Island for the eligible amount of \$1,500.00 exclusive of GST, as per submitted.

**MOTION CARRIED UNANIMOUS**

12:42pm - Cr Dimas Toby left the meeting due to a conflict of interest on the below Church of the Rock Ministry.

12:43pm – Cr Dimas Toby re-joined the meeting.

**Church of the Rock**

**RESOLUTION:**

*Moved: Cr Keith Fell; Second: Cr Torenzo Elisala*

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

- Church of the Rock for the eligible amount of \$2,000.00 exclusive of GST, as per submitted application noting that Church of the Rock applied for \$3,988.00.

**MOTION CARRIED UNANIMOUS**

**Blood Covenant Ministry**

**RESOLUTION:**

*Moved: Cr Torenzo Elisala; Second: Cr Francis Pearson*

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

- Blood Covenant Ministry for the eligible amount of \$3,000.00 exclusive of GST, as per submitted application.

**MOTION CARRIED UNANIMOUS**

**Deddyal Gammas Rugby League Club – event cancelled**

19. 12:45pm – 1:21pm CORPORATE – Policy Matter – Climate Change POLICY

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

It was recommended by Council that Item 5 Objectives of the policy include spirituality.

**ACTION: Acting Executive Director Corporate Services to include spirituality to Item No. 5 of Objectives of the Climate Change Policy.**

**RESOLUTION:**

*Moved: Cr Francis Pearson; Second: Cr Hilda Mosby*

That Council resolve to:

1. endorse the Climate Change Policy in the terms presented to Council at today's Ordinary Meeting  
and
2. delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to exercise the functions and powers assigned to the Chief Executive Officer under the endorsed policy, including the power to make any further minor administrative amendments to the policy as they arise.

**MOTION CARRIED UNANIMOUS**

**LUNCH 1:20PM – 2:05PM**

20. 2:05pm – 2:27pm LEGAL – Complaints Policies and Annual Report

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

Further discussions were had on this subject.

**RESOLUTION:**

*Moved: Cr Aven Noah; Second: Cr Jimmy Gela*

1. That Council endorse the updated Complaint Management Policy, as presented.
2. That Council endorse the updated Complaint (Public Official) Policy, as presented, under section 48A of the *Crime and Corruption Act 2001*.
3. That Council note the Complaints Annual Report.

**MOTION CARRIED UNANIMOUS**

23. 2:27pm – 2:44pm BUILDING – Contractual Matter – TSIRC 2021-336 Construction Only Dauan Island Multipurpose Court

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

**RESOLUTION:**

*Moved: Cr Torenzo Elisala; Second: Cr John Levi*

Council resolves:

- To award contract TSIRC-2021-336– Construction Only Dauan Island Multipurpose Court Separable Portion 1 and Separable Portion 2 to Koppen Construction Pty Ltd for the combined amount of \$ 1,057,953.05 excluding GST.  
and
- Pursuant to section 257 of the Local Government Act 2009, to delegate to the Chief Executive Officer:
  - o power to make, amend or discharge the TSIRC-2021-336; and
  - o power to negotiate, finalise and execute any and all matters associated with or in relation to this project and contract including without limitation any options and/or variations.

**MOTION CARRIED UNANIMOUS**

**ACTION: Head of Community Services to review the upkeep of the stadiums.**



24. **2:44pm – 2:48pm** **CORPORATE – Change of October OM Meeting Date**

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

Cr Keith Fell raised the possibility of Councillors attending the LGAQ conference. Mayor Phillemon Mosby suggested that Councillors could utilise their professional development to attend.

**RESOLUTION:**

*Moved: Cr Torenzo Elisala; Second Cr Aven Noah*

Council resolves to move the October 2022 Ordinary Meeting of Council from 18-19 October 2022 to 11-12 October 2022.

**MOTION CARRIED UNANIMOUS**

25. **2:48pm – 3:34pm** **Strategic Matters**

Cr Keith Fell enquired on the timeframe of the Masig Statement going out to the communities.

**ACTION: Chief Executive Officer to review Act prior to the next Council meeting.**

3:34pm – For minutes taking purposes staff were asked to leave the meeting for a closed session.

**MEETING ADJOURNED – 4:30PM**

**COUNCIL ORDINARY MEETING**  
**Wednesday, 21<sup>st</sup> September 2022**

**22. 900am – 9:05am                      Welcome and opening prayer**

Mayor Phillemon Mosby welcomed Councillors and Staff to Day 2 of Council meeting and invited Cr Keith Fell to open the meeting in a word of prayer.

Mayor Mosby gave Deputy Mayor Cr Getano Lui an opportunity to provide Council with an update on the border opening next month before meeting with members of the Australian Border Force and Defence. In depth discussions were held on this subject.

**26. 10:11am – 11:12am                      Deputation 2| Australian Border Force and Defence**

Mayor Mosby welcomed Mr Andrew Berryman from Department of Foreign Affairs and Trade and members of Border Force and Defence.

Various issues were raised and discussed in regards to the opening of the PNG border next month.

**ACTION: Acting Executive Director Corporate Services to follow up with Mr Andrew Berryman of DFAT of a draft letter of entry approvals to be sent to Council to sign before the next Council meeting.**

**MORNING TEA – 11:12AM – 11:50AM**

**28. 11:50am – 12:00pm                      BUSINESS ARISING FROM INFORMATION REPORTS**

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

Mayor Phillemon Mosby advised a donation of \$5,000 will be provided to Division 11, Poruma Community for hosting the September Council Meeting. Cr Francis Pearson will consult with the Poruma community to determine how funds will be utilised for their benefit.

The Boundary Project Meeting on Poruma was also raised which will clash with the November Workshop/Meeting.

Mayor Mosby spoke further on the November workshop and to extend an invitation to State and Commonwealth Ministers to attend the workshop.

**ACTION: Acting Executive Director Corporate Services to send out invitations to the Housing Minister, Leanne Enoch, Climate Change and Defence Ministers to attend the November workshop.**

**29. 11:50am – 11:50am                      Next Council Meeting Date – 11<sup>th</sup> and 12<sup>th</sup> October 2022 via VMR**

**30. 12:05am – 12:10pm                      Closing Remarks and Prayer**

A gratitude of thanks were extended to the Chief Executive Officer and the Executive Team for putting the Agenda and Reports together and Cr Francis Pearson and Division 11, Poruma Staff for hosting the September Council Ordinary Meeting. Acknowledgement was also given to Mrs Ursula Nai for her commitment and dedication in her role as Executive Assistant and wished her all the best in her new employment.

Mayor Mosby closed the meeting in a word of prayer.

**MEETING CLOSED – 12:10PM**



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Mr James William  
Chief Executive Officer  
Torres Strait Island Regional Council  
Date: 11/10/2022



.....  
Cr Phillemon Mosby  
Mayor  
Torres Strait Island Regional Council  
Date: 11/10/2022