



MINUTES

TORRES STRAIT ISLAND REGIONAL COUNCIL

OCTOBER 2021

Tuesday 19th October 2021, 9:57am – 3:40pm

Wednesday 20th October 2021, 9:13am – 12:04pm

Video Conference

PRESENT:

Cr Phillemon Mosby, Mayor
Cr Dimas Toby, Division 1 – Boigu
Cr Torenzo Elisala, Division 2 – Dauan
Cr Keith Fell, Division 4 – Mabuiag
Cr Laurie Nona, Division 5 – Badu
Cr Lama Trinkoon, Division 6 – Arkai (Kubin), Mua
Cr John Levi, Division 7 – Wug (St Pauls), Mua
Cr Seriako Dorante, Division 8 – Kirriri (Hammond)
Cr Getano Lui Jnr, 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)

Mr David Baldwin, Acting Chief Executive Officer (ACEO) - Cairns
Ms Hollie Faithfull, Executive Director, Financial Services (EDFS) - Cairns
Mr Dawson Sailor, Acting Executive Director, Community & Building Services (AEDCBS) - Cairns
Mr Adeah Kabai, Acting Executive Director, Engineering Services (AEDES) - Saibai
Mr Peter Krebs, Senior Legal Counsel (SLC) – Cairns
Mrs Ursula Nai, Senior Executive Assistant (SEA) – Thursday Island
Ms Kathy Cochran, Secretariat Officer (SO) - Cairns

APOLOGY:

Cr Conwell Tabuai, Division 3 – Saibai

COUNCIL ORDINARY MEETING
Tuesday 19th October 2021

1. **10:00am – 10:04am** **Welcome and Opening Remarks**

Mayor Mosby completed a roll call of Councillors, established a quorum and acknowledged and paid respects to:

- Our Heavenly Father
- Traditional Owners on the lands we meet on today in the Cairns Region and across Zenadth Kes
- All Elders past, present and emerging

Mayor Mosby invited Cr Keith Fell to open the meeting in prayer.

10:02am – Cr Dimas Toby joined the meeting.

2. **10:04am – 10:05am** **Apologies**

- Cr Conwell Tabuai – Division 2 – Saibai

RESOLUTION:

Moved: Cr Keith Fell, *Second:* Cr Jimmy Gela

That Council accepts the apology of Cr Conwell Tabuai for the October 2021 Ordinary meeting.

MOTION CARRIED

3. **10:05am – 10:06am** **Declaration of Conflict of Interest (COI) (Prescribed and Declarable)**

No declaration was made by Councillors. Mayor Mosby encouraged Councillors and staff to make a declaration at any time during the meeting.

4. **10:06am – 10:24am** **ENGINEERING – Award Tender No. TSIRC2021-345 – ICCIP Project#14, 45, 49 & 69 Mabuig, lama, Kubin & St Pauls Reservoir Upgrades**

Acting Chief Executive Officer, Mr David Baldwin spoke to this report on behalf of the Acting Executive Director, Engineering Services.

RESOLUTION:

Moved: Cr Keith Fell, *Second:* Cr Aven Noah

That Council resolves to delegate power to the Chief Executive Officer, pursuant to section 257 of the *Local Government Act 2009* to:

- **Subject to confirmation of a funding timeline extension granted, Award Tender No. TSIRC2021-345 ICCIP Project #41, 45, 49 & 69 – Mabuig, lama, Kubin & St Pauls Reservoir Upgrades Project to M&J Arthur Pty Ltd for the amount of \$2,907,200.00 excl. GST;**
- **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 as per Council's Procurement and Ethical Sourcing policy.**

MOTION CARRIED

5. **10:24am – 10:35am** **ENGINEERING – Award Tender No. TSIRC2021-351 – ICCIP Project #45 & 69 – RFQ Kubin and St Pauls Wells Renewal**

Acting Executive Director, Engineering Services, Mr Adeah Kabai spoke to this report.

RESOLUTION:

Moved: Cr Keith Fell; *Second:* Cr Jimmy Gela

That Council resolves to delegate power to the Chief Executive Officer, pursuant to section 257 of the *Local Government Act 2009* to:

- Award Tender No. TSIRC2021-351 ICCIP Project #45 & #69 – Kubin & St Pauls Wells Renewal Project to Northern Water Pty Ltd for the amount of \$713,156.90 excl. GST;
- 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 as per Council's procurement policy.

MOTION CARRIED

10:29am – Cr Dimas Toby advised Mayor Mosby he was travelling to Cairns from Horn Island and left the meeting and would dial in once landed.

10:31am – Cr Torenzo Elisala joined the meeting.

6. **10:35am – 10:56am** **CORPORATE – Community Grants Program Allocation – October 2021**

Executive Director, Financial Services, Ms Hollie Faithfull spoke to this report on behalf of Corporate Services.

Community Grant Applications:

- All Saints Anglican Church

RESOLUTION:

Moved: Cr Aven Noah, *Second:* Cr Hilda Mosby

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

- All Saints Anglican Church for the eligible amount of \$1000.00 exclusive of GST, as per the submitted application.

MOTION CARRIED

Regional Grant Applications:

- Malu Kiwai

RESOLUTION:

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

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

- Malu Kiwai for the eligible amount of \$2500.00 exclusive of GST, as per the submitted application, noting that Malu Kiwai previously applied for \$10,000 financial assistance under Council's Community Grants Program, with Council resolving to allocate \$2500.00.

MOTION CARRIED

- MGK TSI Corporation Regional Grant Program

RESOLUTION:

Moved: Cr Keith Fell, *Second:* Cr Jimmy Gela

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

- MGK TSI Corporation for the eligible amount of \$2404.00 exclusive of GST, as per the submitted application.

MOTION CARRIED

7. **10:56am – 11:03am** **CORPORATE – Policy Matter – Meeting Policies**

Senior Legal Counsel, Mr Peter Krebs spoke to this report on behalf of Corporate Services.

ACTION: Executive Director, Corporate Services to present this report at the next SARG meeting on 2nd November 2021 and confirm if Ailan Kastom was considered in the writing of these Policies.

THIS MATTER BE LEFT LYING ON THE TABLE

8. **11:03am – 11:15am** **OCEO – Change to Council Meeting Dates**

Acting Chief Executive Officer, Mr David Baldwin spoke to this report.

RESOLUTION:

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

1. That Council resolve to change the dates for Council's December Ordinary Meeting to Tuesday 7th and Wednesday 8th December 2021 and set Arkai/Kubin at Moa Island as the location for the meeting.
2. That Council resolve to hold the November Ordinary Meeting (15th and 16th November 2021) at Nintiringanyi Indigenous Corporation, 16-18 McCormack Street, Mooroolbool.

MOTION CARRIED

Cr Hilda Mosby declared a Declarable Conflict of Interest in Council Meeting Agenda Item 11 – Mayor – Chief Executive Officer Recruitment Update as a person involved in the process is a distant relative and therefore a related party under s150EP. Cr Hilda Mosby declared an interest under s150EQ(4).

Cr Hilda Mosby advised she would leave and stay away from the place where the meeting is being held while this matter is discussed and voted on.

9. **11:15am – 3:30pm** **COUNCIL MOVES INTO CLOSED BUSINESS**

RESOLUTION:

Moved: Cr Aven Noah; *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 session to discuss matters of the following nature:

- (a) the appointment, discipline, or dismissal of the chief executive officer.
(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

- LEGAL – Appointment of Acting Chief Executive Officer
- MAYOR – Chief Executive Officer Recruitment Update
- BUILDING SERVICES – BSU Update
- BUSINESS SERVICES – Monthly Financial Report
- ENGINEERING SERVICES – CB - Award of Contract No. TSIRC 2021-350 – Mer Island Aerodrome Fencing Replacement Works

LUNCH BREAK - 11:51am – 1:07pm

10. **3:30pm – 3:30pm** **COUNCIL MOVES OUT OF CLOSED BUSINESS AND RESUMES IN OPEN BUSINESS**

RESOLUTION:

Moved: Cr Laurie Nona, *Second:* Cr Torenzo Elisala

That Council moves out of Closed Business and resumes in open business.

MOTION CARRIED

11. **3:30pm – 3:31pm** **MAYOR – Chief Executive Officer Recruitment Update**

RESOLUTION:

Moved: Cr Keith Fell, *Second:* Cr Rocky Stephen

Against: Cr Seriako Dorante

That Council resolves, pursuant to section 257(1)(a) of the Local Government Act 2009, to delegate to the Mayor the power to:

- (a) **Appoint the recommended candidate to the role of Chief Executive Officer for a term of three (3) years.**
(b) **Negotiate, finalise, and execute a contract of employment with the recommended candidate on behalf of Council.**

MOTION CARRIED

12. **3:31pm – 3:32pm** **LEGAL – Appointment of Acting Chief Executive Officer**

RESOLUTION:

Moved: Cr Francis Pearson, *Second:* Cr Rocky Stephen

That under Section 195 of the Local Government Act 2009, Council appoints Hollie Faithfull Executive Director, Financial Services to act as the Chief Executive Officer from Saturday 23rd October 2021 until Sunday 7th November 2021 while David Baldwin is on leave and confirms that David Baldwin will resume his appointment as Acting Chief Executive Officer on and from his return from leave.

MOTION CARRIED

13. **3:32pm – 3:33pm** **BUILDING SERVICES – BSU Update**

RESOLUTION:

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

Council resolves to note the information in this report.

MOTION CARRIED

ACTION: Acting Executive Director, Community and Building Services to ensure Councillors are informed of all Building Services Unit's projects/works being done in their respective Division.

14. **3:33pm – 3:34pm** **BUILDING SERVICES – Asbestos**

RESOLUTION:

Moved: Cr Laurie Nona, *Second:* Cr Jimmy Gela

Council resolves to note the information in this report.

MOTION CARRIED

ACTION: Acting Executive Director, Community and Building Services to provide a list of all Asbestos properties on each island to the respective Councillor.

15. **3:34pm – 3:35pm** **FINANCE – Monthly Financial Report**

RESOLUTION:

Moved: Jimmy Gela, *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 September 2021, as required under Section 204 Local Government Regulation 2012.

MOTION CARRIED

16. **3:35pm – 3:36pm** **ENGINEERING – Award of Contract No. TSIRC 2021-350 – Mer Island Aerodrome Fencing Replacement Works**

RESOLUTION:

Moved: Cr Laurie Nona, *Second:* Cr Francis Pearson

That Council resolves to delegate to the Chief Executive Officer, pursuant to section 257 of the Local Government Act 2009 to:

- **Award of Contract No. TSIRC 2021-350 – Mer Island Aerodrome Fencing Replacement Works to Paul Ware Constructions up to the amount of \$242,300 (ex GST).**
- **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 as per Council's procurement and Ethical Sourcing Policy.**

MOTION CARRIED

17. **3:36pm – 3:40pm** **Closing Remarks and Prayer**

Mayor Mosby raised that Minister Fentiman, Ministerial Champion for the Torres Strait would be meeting with himself on Wednesday 20th October 2021 and they would travel and meet on Hammond Island. Mayor Mosby thanked the Councillors, Acting Chief Executive Officer and the team for their attendance and contribution to the meeting. On behalf of the Council, Mayor Mosby relayed condolences to Cr John Levi and to the families in his Division currently in sorry business. Cr Getano Lui closed the meeting in prayer.

MEETING CLOSED – 3:40pm

COUNCIL ORDINARY MEETING
Wednesday 20th October 2021

PRESENT:

Cr Phillemon Mosby, Mayor
Cr Dimas Toby, Division 1 – Boigu
Cr Torenzo Elisala, Division 2 – Dauan
Cr Keith Fell, Division 4 – Mabuia
Cr Laurie Nona, Division 5 – Badu
Cr Lama Trinkoon, Division 6 – Arkai (Kubin), Mua
Cr John Levi, Division 7 – Wug (St Pauls), Mua
Cr Seriako Dorante, Division 8 – Kirriri (Hammond)
Cr Getano Lui Jnr, 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)

Mr David Baldwin, Acting Chief Executive Officer (ACEO) - Cairns
Ms Hollie Faithfull, Executive Director, Financial Services (EDFS) - Cairns
Mr Dawson Sailor, Acting Executive Director, Community & Building Services (AEDCBS) - Cairns
Mr Adeah Kabai, Acting Executive Director, Engineering Services (AEDES) - Saibai
Mr Peter Krebs, Senior Legal Counsel (SLC) - Cairns
Mrs Ursula Nai, Senior Executive Assistant (SEA) – Thursday Island
Ms Kathy Cochran, Secretariat Officer (SO) - Cairns

APOLOGY:

Cr Conwell Tabuai, Division 3 – Saibai

COUNCIL ORDINARY MEETING

Wednesday 20th October 2021

Agenda Items:

18. 9:130am – 9:16am Welcome and opening prayer

Mayor Mosby completed a roll call of Councillors, established a quorum and acknowledged and paid respects to:

- Our Heavenly Father
- Traditional Owners on the lands we meet on today in the Cairns Region and across Zenadth Kes
- All Elders past, present and emerging

Mayor Mosby advised Councillors and Executives that he will be leaving the meeting at approximately 11:30am to accompany Minister Fentiman to Hammond Island for their meeting.

Mayor Mosby invited Cr Francis Pearson to open the meeting in prayer.

19. 9:16am – 9:28am Confirmation of Previous Council Ordinary Meeting Minutes

- 21st and 22nd September 2021

RESOLUTION:

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

That Council resolves to accept the minutes of the Ordinary Meeting held on the 21st and 22nd September 2021 at Hammond Island to be a true and accurate account of that meeting.

MOTION CARRIED

9:17am – Cr Rocky Stephen and Cr Kabay Tamu joined the meeting

9:21am – Cr Laurie Nona joined the meeting

20. 9:28am – 9:29am Confirmation of Previous SARG Meeting Minutes

- 08th October 2021

RESOLUTION:

Moved: Cr Aven Noah, *Second:* Cr Francis Pearson

That Council resolves to accept the minutes of the Strategic Advisory Reference Group Meeting held on the 8th October 2021 to be a true and accurate account of that meeting.

MOTION CARRIED

21. 9:29am – 9:33am Confirmation of Previous Culture, Arts, Land and Heritage Committee Meeting Minutes

- 12th February 2021

RESOLUTION:

Moved: Cr Francis Pearson, *Second:* Cr Laurie Nona

That Council resolves to accept the minutes of the Culture, Arts, Land and Heritage Committee Meeting held on the 12th February 2021 to be a true and accurate account of that meeting.

MOTION CARRIED

- 27th August 2021

RESOLUTION:

Moved: Cr Laurie Nona, *Second:* Cr Aven Noah

That Council resolves to accept the minutes of the Culture, Arts, Land and Heritage Committee Meeting held on the 27th August 2021 to be a true and accurate account of that meeting.

MOTION CARRIED

22. **9:33am – 9:34am** **Confirmation of Previous Economic Growth Committee Meeting Minutes**

- 26th August 2021

RESOLUTION:

Moved: Cr Jimmy Gela, *Second:* Cr Hilda Mosby

That Council resolves to accept the minutes of the Economic Growth Committee Meeting held on the 26th August 2021 to be a true and accurate account of that meeting.

MOTION CARRIED

23. **9:34am – 9:54am** **Outstanding Council Ordinary Meeting Action Items**

Acting Chief Executive Officer, Mr David Baldwin provided Council with an update on all outstanding action items.

ACTION: Acting Chief Executive Officer to have an offline discussion with Cr Stephen, Cr Elisala and Torres Strait Regional Authority regarding the helicopter subsidy and provide a report to Council.

ACTION: Interim Executive Director, Corporate Services to write to TSRA to request to extend the helicopter subsidy for Ugar and Dauan for an additional 12months.

24. **9:54am – 9:59am** **Standing Agenda Items:**

- Executive Director, Communities and Building Services - Housing Authority (verbal)

Acting Executive Director, Community and Building Services, Mr Dawson Sailor provided Council with a brief update.

Cr Lui raised GBK involvement in the Housing Authority and Mayor Mosby advised the matter is currently before the Office of Independent Assessor for investigation, no further action can be taken at this stage.

ACTION: Acting Executive Director, Community and Building Services to follow up offline with Cr Lui regarding his question on an independent Housing Authority.

25. **9:59am – 10:00am** **Next Council Meeting dates – 15th and 16th November 2021 – Nintiringanyi Indigenous Corporation – Cairns**

Mayor Mosby confirmed the meeting date and the venue of the November 2021 Ordinary meeting.

26. **10:00am – 10:43am** **Business Arising from Information Reports**

Cr Noah raised BSU demolition of lot 70 on Mer and other derelict properties.

ACTION: Acting Executive Director, Community and Building Services to talk to Cr Aven Noah offline and provide him with a list of derelict properties on Mer.

Cr Lui wanted more information to be included in Information Reports, so they are more reflective of what is happening on ground in the communities.

Cr Dorante raised concerns regarding TSIRC operations in Division 8.

ACTION: Council requested that the Funding Acquisition Information Report be amended the following:

- Change from Information Report to Agenda Report for noting to present to all Ordinary Meetings
- include a graph on the breakup of funding within each department
- add another heading for current status report with 2 Columns, one being Successful Funding Applications and the other Unsuccessful Applications.
- All Unsuccessful Applications are to include reasons why the application was declined.

ACTION: Interim Executive Director, Corporate Services to add the Councillor Top 5 Priorities to the November Workshop Agenda drilling down to each division.

ACTION: Interim Executive Director, Corporate Services to include agenda item “Belcarra Changes - Separation of Powers” to Mayor Mosby’s community information sessions.

Cr Keith Fell raised connectivity issues with Acting Chief Executive Officer and acting Executive Director, Community and Building Services.

10:24am – Secretariat officer left the room.

10:27am – Secretariat officer re-joined the meeting.

Cr Rocky Stephen raised the acting CEO letter to TSRA on TSIRC Regional Infrastructure top 5 priorities presented at RIAC.

ACTION: Acting Chief Executive Officer to add TSIRC’s Regional Infrastructure top 5 priorities to the November 2021 workshop agenda.

27. **10:43am – 11:03am** **Strategic Matters**

Cr Keith Fell spoke on the following:

- NQ Sports Foundation – meeting in Charters Towers at the end of October 2021.
- Safe Communities – Domestic Violence and Child Safety Champion
- Funding to develop a Domestic Violence Action Plan (together with Mura Kosker)

10:53am – Acting Chief Executive Officer left the meeting.

10:55am – Acting Chief Executive Officer re-joined the meeting.

Cr Rocky Stephen and Cr Getano Lui raised the Premier’s roadmap to reopening Queensland borders and an in-depth discussion was held on this topic.

ACTION: Acting Chief Executive Officer to invite Torres and Cape Hospital and Health Service to provide Council with an update the Border Opening and process and procedures for the Torres Strait Region.

11.03am - Cr Seriako Dorante declared a Declarable Conflict of Interest in Council Meeting Agenda Item 29 – Legal – Operational Risk. The declarable conflict of interest arises because Cr Seriako Dorante is an employee of Seaswift Pty Ltd.

Cr Seriako Dorante advised he will leave and stay away from the place where the meeting is being held while this matter is discussed.

Cr Seriako Dorante advised that he will excuse himself from the meeting at 11:45am for official business in relation to Mayor Mosby and Minister Fentiman visit to Hammond Island.

11:49am – Cr Seriako Dorante re-joined the meeting and informed the Deputy Mayor that he will be departing the meeting early due to official business in relation to Minister Fentiman and Mayor Mosby’s visit. Cr Seriako Dorante left the meeting.

11:03am – All staff except the Acting Chief Executive Officer requested to leave the meeting for the Closed Business session.

28. **11:03am – 11:03am** **COUNCIL MOVE INTO CLOSED BUSINESS**

RESOLUTION:

Moved: Cr Laurie Nona, Second: Cr Aven Noah

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

(e) legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

MOTION CARRIED

29. **11:03am – 11:35am** **Legal Matter – Operational Risk**

30. **11:35am – 11:35am** **COUNCIL MOVES OUT OF CLOSED BUSINESS AND RESUME THE MEETING IN OPEN BUSINESS**

RESOLUTION:

Moved: Cr Rocky Stephen, Second: Cr Francis Pearson

That Council moves out of Closed Business and resume the meeting in open business.

MOTION CARRIED

11:35am – Mayor Mosby excused himself from the meeting and Deputy Mayor chaired the meeting

31. **11:35am – 12:02pm** **Strategic Matters**

11:38am – All Staff re-joined the meeting

Cr Aven Noah spoke on the following:

- Possibility for Council Dongas on Mer be used as COVID isolation accommodation if the need arises.
- Internet Recruitment email for the Fleet Manager

ACTION: Acting Executive Director, Community and Building Services to liaise with Head of Building Services to investigate the Council Dongas on Mer to check they are fit for purpose and at a standard to accommodate residents who may need to self-isolate if the need arises and discuss this option with Mer PBC.

Cr Lama Trinkoon and Cr Rocky Stephen spoke on the Visitor Request to Community Process and requested if TSIRC can request evidence of vaccination from visitors as a requirement to enter community.

ACTION: Acting Executive Director, Community and Building Services to liaise with Legal Services and investigate if TSIRC is able to request COVID vaccination evidence from visitors prior to Councillors approving their entry to divisions and to have offline conversation with Cr Lama Trinkoon and Cr Rocky Stephen

Cr Francis Pearson spoke on the following:

- Office space for advertised position – Executive Assistant to the Mayor
- LDI Dongas (with 10 rooms)

ACTION: Executive Director, Community and Building Services to investigate office space for the Executive Assistant to the Mayor and provide this information to the acting CEO and Cr Pearson

Cr Getano Lui requested an update on the Corporate Plan refresh which was provided by acting Chief Executive Officer.

32. **12:00pm – 12:02pm** **Closing Remarks and Prayer**

Cr Getano Lui, thanked Councillors and staff for their time and contribution over the last two days and closed the meeting in prayer.

MEETING CLOSED – 12:02pm



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Mr David Baldwin
Acting Chief Executive Officer
Torres Strait Island Regional Council
15th November 2021



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Cr Phillemon Mosby
Mayor
Torres Strait Island Regional Council
15th November 2021