



Torres Strait Island
REGIONAL COUNCIL

AUGUST 2020

MINUTES

ORDINARY MEETING

Tuesday 18th August 2020, 10:30am – 3:00pm
Wednesday 19th August 2020, 9:00am – 2:25pm

Video Conference

COUNCIL ORDINARY MEETING

Tuesday 18th August 2020

Agenda Items

1. 10:30am – 10:35am Welcome and Opening Remarks
 2. 10:35am – 10:40am Apologies
 3. 10:45am – 10:50am Declaration of Conflict of Interest (COI) / Material Person Interest (MPI)
 4. 10:50am – 11:00am Confirmation of Meeting Minutes and Special Meeting Minutes
 - July 2020 Ordinary Meeting
 - 28 July 2020 Special Meeting
 5. 11:00am – 11:15am Outstanding Ordinary Meeting Action Items
 6. 11:15am – 11:15am **COUNCIL MOVE INTO CLOSED BUSINESS**
 7. 11:15am – 11:30am CORPORATE – CB – Contractual Matter – Sole Suppliers
 8. 11:30am – 11:40am ENGINEERING – CB – Funding Matter – 2020/2021 COVID Works for Queensland
 9. 11:40am – 12:10pm ENGINEERING – CB – Badu and Erub Water Treatment Renewal
 10. 12:10pm – 12:30pm ENGINEERING – CB – Dauan Pontoon (Verbal Update)
 11. 12:30pm – 12:30pm **COUNCIL MOVE OUT OF CLOSED BUSINESS**
- 12:30pm – 1:30pm – LUNCH**
12. 1:30pm – 2:00pm OCEO – Workplace Health and Safety Policy
 13. 2:00pm – 3:00pm Presentation 1: Mr Zachariah Matysek, A/Manager – Department of Housing and Public Works
- 3:00pm – 3:30pm – AFTERNOON TEA**
14. 3:00pm – 3:00pm **COUNCIL MOVE INTO CLOSED BUSINESS**
 15. 3:00pm – 4:00pm OPERATIONS – Housing Authority / Attendance at Housing Summit
 16. 4:00pm – 4:00pm **COUNCIL MOVE OUT OF CLOSED BUSINESS**
 17. 4:00pm – 4:00pm Business Arising from Information Reports
 18. 4:15pm – 4:20pm Next Meeting Scheduled –22nd and 23rd September 2020 - Boigu
 19. 4:20pm – 4:55pm Strategic Matters
 20. 4:55pm – 5:00pm Closing Remarks and Prayer

Wednesday 19th August 2020
Agenda Items

21. **9:00am – 9:05am** Welcome and opening prayer
22. **9:05am - 10:05am** **PRESENTATION 1:** Mr Russell Beer, Director – MacDonnells Law
Register of Interest and Councillor requests for Information
- 10:05am – 10:30am - MORNING TEA**
23. 10:30am – 10:30am **COUNCIL MOVE INTO CLOSED BUSINESS**
24. 10:30am – 12:30pm OCEO - TAP Overview
25. 12:30pm – 12:30pm **COUNCIL MOVE OUT OF CLOSED BUSINESS**
- 12:30pm – 1:30pm – LUNCH**
26. 1:30pm – 1:40pm LEGAL SERVICES – DA - Dauan Telstra Tower
27. 1:40pm – 1:50pm LEGAL SERVICES – DA – Reconfiguration of Lot 25 - Badu
28. 1:50pm – 2:20pm LEGAL SERVICES – Execution of Warrant at Saibai
29. 2:20pm – 2:50pm LEGAL SERVICES – Delegation Register Update
30. 2:50pm – 3:00pm CORPORATE – Memorandum of Agreement with the Torres Strait Island Authority
- 3:00pm – 3:20pm – AFTERNOON TEA**
31. 3:20pm – 3:30pm CORPORATE – Memorandum of Agreement with the Gud A Baradharaw Kod Sea and Land Council Torres Strait Islander Corporation
32. 3:30pm – 3:40pm CORPORATE – Memorandum of Agreement with the Malu Lamar (Torres Strait Islander) Corporation RNTBC
33. 3:40pm – 4:00pm OPERATIONS – Special Holidays
26. 4:00pm – 4:05pm Closing Remarks and Prayers

Tuesday 18th August 2020

Present

Cr Phillemon Mosby, Mayor
Cr Dimas Toby, Division 1 – Boigu
Cr Torenzo Elisala, Division 2 – Dauan
Cr Keith Fell, Division 4 – Mabuiag
Cr Lama Trinkoon, Division 6 – Kubin, Mua Island
Cr John Levi, Division 7 – St Pauls, Mua Island
Cr Seriako Dorante, Division 8 – Kirriri
Cr Kabay Tamu, Division 10 – Warraber
Cr Francis Pearson, Division 11 – Poruma
Cr Hilda Mosby, Division 12 – Masig
Cr Rocky Stephen, Division 13 – Ugar
Cr Aven Noah, Division 15 – Mer

Ms Hollie Faithfull, Acting Chief Executive Officer
Mr David Baldwin, Chief Engineering Officer
Mr Luke Ranga, Head of Corporate Affairs
Ms Mette Nordling, Manager Governance and Compliance
Ms Julia Maurus, Manager of Legal Services
Ms Naila Nomoa, Acting Secretariat Officer

Apologies

Cr Conwell Tabuai, Division 3 – Saibai
Cr Getano Lui Jnr, Division 9 – Iama
Cr Boggo Gela, Division 14 – Erub

1. **10:06am – 10:08am** **Welcome**
Mayor Mosby did a roll call of Councillors and staff present.

2. **10:08am – 10:16am** **Apologies**
Apologies have been received from:

- Cr Conwell Tabuai, Division 3 – Saibai
- Cr Getano Lui Jnr, Division 9 – Iama
- Cr Boggo Gela, Division 14 – Erub

Mayor advised that Cr Dorante and Cr Nona were running late.

Moved: Cr Pearson; *Second:* Cr Tamu

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

MOTION CARRIED

Moved: Cr Levi; *Second:* Cr Pearson

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

MOTION CARRIED

Moved: Cr Stephen; *Second:* Cr Noah

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

MOTION CARRIED

3. **10:16am – 10:17am** **COI – MPI**

Nil.

Cr Dorante joined Meeting at 10:18am.

4. **10:18am – 10:21am** **Confirmation of July 2020 Ordinary Meeting Minutes**

RESOLUTION

Moved: Cr Toby *Second:* Cr Tamu

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

MOTION CARRIED

5. **10:21am – 10:22am** **Confirmation of 28th July 2020 Special Meeting Minutes**

Minutes to be endorsed in September Ordinary Meeting.

6. **10:22am – 10:37am** **Action Item Update**

Chief Executive Officer gave a verbal update on the action items.

Chief Engineering Officer has spoken to TSRA regarding Helipad.

7. **10:37am – 10:37am** **COUNCIL MOVE INTO CLOSED BUSINESS**
RESOLUTION:
Moved: Cr Levi; *Second:* Cr Pearson;
That in accordance with section 275 (1) of the *Local Government Regulation 2012 (Qld)* it is resolved for the meeting to go into closed session to discuss matters of the following nature:
e) Contracts proposed to be made by Council.
h) Business for which public discussion would be likely to prejudice the interests of Council or someone else or enable a person to gain a financial advantage.
MOTION CARRIED
8. **CORPORATE – CB – Contractual Matter – Sole Suppliers**
- MORNING TEA 10:44am – 11:07am**
9. **ENGINEERING – CB – Funding Matter – 2020/2021 COVID Works for Queensland**
10. **ENGINEERING – CB Badu and Erub Water Treatment Renewal**
11. **ENGINEERING – CB – DAUAN Pontoon (Verbal Update)**
12. **12:00pm – 12:00pm** **COUNCIL MOVE OUT OF CLOSED BUSINESS**
RESOLUTION:
Moved: Cr Elisala; *Second:* Cr Trinkoon
That Council move out of Closed Business
MOTION CARRIED

Cr Mosby joined meeting at 11:48am.

RESOLUTIONS ARISING FROM MATTERS DISCUSSED IN CLOSED SESSION.

8. 10:38am – 10:44am CORPORATE – CB – Contractual Matter – Sole Suppliers

Cr Noah declared a personal interest in Mer Gedkem, one of the suppliers nominated as a sole supplier, and did not participate in the discussion and vote on this matter.

RESOLUTION:

Moved: Cr Elisala; *Second:* Cr Pearson

Council resolves:

1. In accordance with section 235(a) of the *Local Government Regulation 2012*, that it is satisfied that the suppliers listed are the only suppliers reasonably able to source and provide the required goods and services and are therefore considered sole suppliers for the 2020/21 financial year.

And

2. To delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to enter into contract, negotiate, finalise and execute any and all matters associated with these sole suppliers for the 2020-21 financial year.

MOTION CARRIED

9. 10:57am – 11:12am ENGINEERING – CB – Funding Matter – 2020/2021 COVID Works for Queensland

RESOLUTION:

Moved: Cr Stephen; *Second:* Cr Pearson

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

Enter into the proposed Funding Agreement for the 2020-21 COVID Works for Queensland Program with the Department of Local Government, Racing and Multicultural Affairs for the grant of funding in the sum \$2,880,000.00 excluding GST on the terms and conditions proposed by DLGRMA to the CEO's satisfaction.

MOTION CARRIED

10. 11:12am – 11:24am ENGINEERING – CB Badu and Erub Water Treatment Renewal

RESOLUTION:

Moved: Cr Levi; *Second:* Cr Trinkoon

That Council:

- Award Contract *TSIRC 2019-206- ICCIP Project #5 & 26-36 – Badu & Erub Water Treatment Plant (WTP) Renewal* to M & J Arthur Pty Ltd to an amount of \$3,774,000.00 excl. GST;
- Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to negotiate, finalise and execute any and all matters associated with or in relation to this project and contract in accordance with TSIRCs procurement practices and policies.

MOTION CARRIED

11. **11:24am – 12:00pm** **ENGINEERING – CB – DAUAN Pontoon**
Verbal update by Chief Engineer - No resolution for this matter

12. **12:00pm – 12:02pm** **OCEO – Workplace Health and Safety Policy**

- Acting Chief Executive officer spoke to report
- Matter left lying on table.

Mayor Mosby declared a Material Personal Interest in relation to the Regional Housing Summit due to being a director on GBK

Cr Noah declared a Material Personal Interest in relation to the Regional Housing Summit due to being an employee of Mer Ger

Cr Pearson declared a Material Personal Interest in relation to the Regional Housing Summit due to being a director on GBK

Cr Tamu declared a Material Personal Interest in relation to the Regional Housing Summit due to being a director on GBK

Cr Elisala declared a Material Personal Interest in relation to the Regional Housing Summit due to being a director on GBK

Crs Stephen, Mosby and Fell all declared potential Conflicts of Interest due to being members of Local PBCs.

Crs Levi, Trinkoon and Dorante declared no personal interests.

Due to the majority of Councillors being potentially conflicted, legal advice is being sought.

Mayor Mosby absent after the lunch break due to other Council commitments.

13. **12:04pm – 12:30pm** **APPONT INTERIM CHAIR**

RESOLUTION:

Moved: Cr Trinkoon; *Seconded:* Cr Mosby

Council resolves to appoint Cr Fell as interim chair in the absence of Mayor Mosby and Deputy Mayor Lui during the Council's Ordinary Meeting on 18 August 2020.

MOTION CARRIED

Mayor Mosby left the meeting

12:30pm – 1:44pm – LUNCH

14. **PRESENTATION - Mr Zachariah Matysek, Acting
Manager – Department of Housing and Public Works**
Presentation cancelled due to declared MPIs and COIs

15. **OPERATIONS – Housing Authority / Attendance at
Housing Summit**
Left on table due to declared MPIs and COIs

16. **1:46pm – 1:49pm** **LETTER TO MINISTER FOR LOCAL GOVERNMENT**
RESOLUTION:
Moved Cr Fell Second Cr Toby
**Council resolves to write to the Minister for Local Government, Racing and
Multicultural Affairs to request an exemption under section 175F of the *Local
Government Act 2009* for Councillors to participate in meetings, being present
during discussions and vote on matters relating to the social housing portfolio
within the local government area, as the matters cannot otherwise be decided
due to the number of councillors declaring Material Personal Interests and
personal interests.**

MOTION CARRIED

17. **pm pm** **Business Arising from Information Reports**
None

18. **1.50pm – 1.52pm** **Next meeting scheduled – 15 &16 September Boigu**
All Councillors to email Ursula Nai whether they are attending the Boigu meeting.

19. **1:52pm – 2:54pm** **Strategic Matters**

Cr Mosby

- Climate change – Regional (terms of refence)

Cr Pearson –

- Queried Healthy Lifestyle Officers working hour
- Healthy Lifestyle Officers are paying out of pocket to conduct activities for youth and elders in community.

Action: Chief Operating Officer and Head of Community Services to discuss.

Head of Corporate Affairs

- Issues around rumours on border and COVID issues
- Any media enquiries should be referred to the Mayor or to the Head of Corporate Affairs
- If there are any serious threats the Mayor will be informed in his capacity as Mayor and chair of the LDMG
- Border presence will be there until the end of the year in the Torre Straits.
- Discussion around councillors' presence on social media platforms

Action: Sessions to be conducted at November workshop

Cr Fell –

- Satellite connectivity

Action: Acting Chief Executive Officer will liaise with Manager Information and Technology Services.

Councillors to provide their top 5 priority for their division

Action: Councillors provide Top 5 priority to Kim Kelly & Kylie Sturges as soon as possible.

4G no update from Telstra

Action: Head of Corporate Affairs will follow-up and provide update in September Meeting.

Cr Fell -

- Regional Cabinet Mayor and Deputy Mayor will be attending in Cairns.
- Workshop/ professional development in Cairns for Councillors

Action: Acting Chief Executive Officer will provide an update for Workshop/ professional development for Councillors at each council meeting general business.

20. 2:54pm – 3pm Closing Remarks and Prayer

Cr Fell invited Cr Levi to close with prayer.

Wednesday 19th August 2020

Present

Cr Phillemon Mosby, Mayor
Cr Dimas Toby, Division 1 – Boigu
Cr Torenzo Elisala, Division 2 – Dauan
Cr Keith Fell, Division 4 – Mabuig
Ce Laurie Nona, Division 5 – Badu
Cr Lama Trinkoon, Division 6 – Kubin, Mua Island
Cr John Levi, Division 7 – St Pauls, Mua Island
Cr Seriako Dorante, Division 8 – Kiriri
Cr Kabay Tamu, Division 10 – Warraber
Cr Francis Pearson, Division 11 – Poruma
Cr Hilda Mosby, Division 12 – Masig
Cr Rocky Stephen, Division 13 – Ugar
Cr Aven Noah, Division 15 – Mer

Ms Hollie Faithfull, Chief Financial Officer
Mr David Baldwin, Head of Engineering
Mr Luke Ranga, Head of Corporate Affairs
Ms Mette Nordling – Manager Governance and Compliance
Ms Julia Maurus, Manager of Legal Services
Ms Naila Nomoa – Acting Secretariat Officer

Apologies

Cr Conwell Tabuai, Division 3 – Saibai
Cr Boggo Gela, Division 14 – Erub
Cr Getano Lui Jnr, Division 9 – Iama

21. 9:05am - 9:10am Opening Prayer and Welcome

Mayor acknowledged and paid respect to:

- Papa God
- The traditional owners, Elders, Leaders, Past, Present and Emerging
- Elders and Leaders in respective communities and your people.
- Respect to the families in sorry business

Mayor invited Cr Elisala to open with word of prayer.

Mayor thanked Cr Fell for Chairing the meeting on Tuesday afternoon, the 18th of August.

Mayor welcomed Mr Russel Beer, Director of MacDonnells Law.

22. 9:10am – 10:35am PRESENTATION: Mr Russell Beer, Director - MacDonnells Law

- Register of Interest
- Councillor request for information

10:35am – 10:53am – MORNING TEA

23. 10:53am – 10:53am COUNCIL MOVE INTO CLOSE BUSINESS

RESOLUTION:

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

That in accordance with section 275 (1) of the *Local Government Regulation 2012 (Qld)* it is resolved for the meeting to go into closed session to discuss matters of the following nature:

e) Contracts proposed to be made by Council.

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

MOTION CARRIED

24. 10:54am – 11:34 OCEO – TAP Overview

Acting Chief Executive Officer and Chief Engineer stayed in the room and asked other staff present to leave the room.

25. 11:35am – 11:35am COUNCIL MOVE OUT OF CLOSED BUSINESS

RESOLUTION:

Moved: Cr Levi; *Second:* Cr Pearson

That Council move out of Closed Business

MOTION CARRIED

26. 11:35am – 11:40pm LEGAL SERVICES – DA Dauan Telstra Tower – pg54
RESOLUTION

Moved: Cr Elisala; *Second:* Cr Toby

That Council issue a Development Permit for 'Material Change of Use (code)' with the inclusion of the conditions set out in Part 6 of the Agenda Report for Upgrade Telecommunications Tower – Dauan (the site is within Lease T SP146515 on Lot 39 SP270872).

MOTION CARRIED

27. 11:40am – 11:42pm LEGAL SERVICES – DA RECONFIGURATION OF LOT
25 - BADU

Matter left on table as Cr Nona is not online

28. 11:42am – 11:46pm LEGAL SERVICES – EXECUTION OF WARRANT AT
SAIBAI

Matter left on table as Cr Tabuai is not present.

29. 11:47am – 12:00pm LEGAL SERVICES – DELEGATION REGISTER
UPDATE

Matter left on table – to be discussed at workshop in November

27. 11:53am-11:55am LEGAL SERVICES – DA RECONFIGURATION OF LOT
25 - BADU

Cr Nona back online

Matter left on the table for further investigation

LUNCH 12:00pm – 1:17pm

33. 1:17pm - 1:47pm OPERATIONS – SPECAIL HOLIDAYS
RESOLUTION

Moved: Cr Stephen; *Second:* Cr Nona

Council resolves to endorse list of 2021 special holidays at Attachment A to this report.

MOTION CARRIED – Councillor Dorante voting against

1:47pm – 2:06pm – Memorandums of agreement.

30. **CORPORATE – Memorandum of Agreement with the Torres Strait Island Regional Authority**
31. **CORPORATE – Memorandum of Agreement with Gud A Baradharaw Kod Sea and Land Council Torres Strait Island Corporation**
32. **CORPORATE – Memorandum of Agreement with the Malu Lamar (Torres Strait Islader Corporation RNTBC**
33. **– Late – pg 203**

All left on table due to Material Personal Interests and Conflicts of interest.

34. **2:06pm-2:21pm** **Closing remarks and Prayers**

- Chief Executive Officer has extended leave until the 31st of August 2020 returning on the 1st of September.
- Further update from Head of Corporate Affairs on the border situation and COVID19 situation.

Mayor invited Cr Fell to close with prayer.



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Hollie Faithfull
Acting Chief Executive Officer
Torres Strait Island Regional Council



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Philemon Mosby
Mayor
Torres Strait island Regional Council