



ORDINARY MEETING
30-31 MAY 2024

MINUTES

Time: 9.55am

Venue: The Benson Hotel | Sudbury Conference Room, Level 3 | 50 Grafton Street, Cairns

PRESENT:

Mayor / Chairperson
Division 1 – Boigu
Division 2 – Dauan
Division 3 – Saibai
Division 4 – Mabuia
Division 5 – Badu / **Deputy Mayor**
Division 6 – Arkai
Division 7 – Wug (St. Pauls), Mua Island
Division 8 – Kirirri (Hammond)
Division 9 – Iama
Division 10 – Warraber
Division 11 – Poruma
Division 12 – Masig
Division 13 – Ugar
Division 14 – Erub

Cr Phillemon Mosby
Cr Dimas Toby
Cr Torengo Elisala
Cr Chelsea Aniba
Cr Keith Fell
Cr Ranetta Wosomo
Cr Iona Manas
Cr John Levi
Cr Seriako Dorante
Cr Aggie Hankin
Cr Kabay Tamu
Cr Francis Pearson
Cr Ted Mosby
Cr Rocky Stephen
Cr Nixon Mye

APOLOGIES: Division 15 – Mer

Cr Bob Kaigey – *Sorry Business*

OFFICERS:

Chief Executive Officer
Executive Director Building Services
Executive Director Community Services
Executive Director Corporate Services
Executive Director Engineering Services
Executive Director Financial Services
Manager Legal Services
Executive Assistant to the Mayor
Corporate Planning & Performance Lead
TSIRC Secretariat

Mr James William
Mr Wayne Green
Mr Dawson Sailor
Ms Susanne Andres
Mr David Baldwin
Ms Hollie Faithfull
Mr Mark Pollock
Ms Trudy Lui
Mr Robert Black (*1hour*)
Mr Darryl Brooks

PUBLIC:

Ms Alice Tippett
Ms Jacinta Baragud

**A. WELCOME & QUORUM CONFIRMATION | ACKNOWLEDGEMENTS | OPENING PRAYER
| OBSERVANCES**

The Mayor welcomed Councillors to the Ordinary Council meeting for the month of May 2024.

The Mayor also welcomed Ms Jacinta Baragud and Ms Alice Tippett who were each observing the meeting as a member of the public.

B. NOTING OF APOLOGIES

An apology for Cr Bob Kaigey (Division 15 – Mer) who was absent for Sorry Business was tabled verbally by the Mayor and Council resolved as follows:

Resolution

#C24-28/2024-05/B

CR PEARSON / CR TAMU

Council accepts the apology for Cr Bob Kaigey (Division 15 – Mer) for the May 2024 Ordinary Council Meeting and approves the payment of the Councillor’s Monthly Meeting Allowance.

CARRIED UNANIMOUSLY**C. CONFLICT OF INTEREST DECLARATIONS**

Nil.

1. CONFIRMATION OF MINUTES**1.1. Post Election Council Meeting (16 April 2024)**

#C24-28/2024-05/1.1

CR HANKIN / CR FELL

Council confirms the Minutes of the Post-Election Meeting held on 16 April 2024.

CARRIED UNANIMOUSLY**1.2. Ordinary Council Meeting (16 April 2024)**

#C24-28/2024-05/1.2

CR PEARSON / CR FELL

Council confirms the Minutes of the Ordinary Meeting held on 16 April 2024.

CARRIED UNANIMOUSLY**2. UPDATE ON ACTION ITEMS FROM PREVIOUS MEETINGS**

The Chief Executive Officer (Mr James William) spoke to this item. Items noted as ‘completed’ during this update will be deleted from future reports. The update was noted by Council.

3. MAYORAL REPORT

The Mayor spoke to his report. The report was noted by Council.

Action:

Executive Director Community Services to prepare letter for Chief Executive Officer signature to DSDSATSIP (John Conroy) indicating a timeline for the provision of updated master plans for Hammond Island, Poruma and Iama as these are under an older format.

4. CHIEF EXECUTIVE OFFICER

4.1. Chief Executive Officer Report

The Chief Executive Officer (Mr James William) spoke to his report. The report was noted by Council.

4.2. Acting Chief Executive Officer

#C24-28/2024-05/4.2

CR FELL / CR WOSOMO

Council resolves, in accordance with Section 195(b) of the *Local Government Act 2009*, to appoint Susanne Andres to act as the Chief Executive Officer from Friday 31 May 2024 until Friday 31 May 2024 while James William is unable to perform the chief executive officer's responsibilities at the monthly meeting of Council.

CARRIED UNANIMOUSLY

5. FINANCIAL SERVICES DIRECTORATE

5.1. Financial Dashboard Report (April 2024)

#C24-28/2024-05/5.1

CR TAMU / CR MANAS

Council receives and endorses the monthly financial statements attached to the officer's report for the 2023-24 year to date, for the period ended 30 April 2024, as required under section 204 of the *Local Government Regulation 2012*.

CARRIED UNANIMOUSLY

- *Prior to consideration of Agenda Item 5.2 below, Cr Levi indicated that he may have a potential conflict of interest in the matter, as one of the businesses listed on the Sole Suppliers Register (St Pauls Lodge) is owned/operated by a close family member (Susan Sailor).*
- *The Chief Executive Officer noted that there is no direct conflict as the matter listed is Council endorsement from a process that has already been undertaken independently.*

5.2. Contractual Matter – Sole Suppliers

#C24-28/2024-05/5.2

CR ELISALA / MYE

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 that either:
 - a. those suppliers are 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 Sole Supplier Register appended as 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 the expenditure against sole suppliers detailed in Attachment B and the reasons for amendments to the register detailed in Attachment C.

CARRIED UNANIMOUSLY**5.3. 2024/25 Fees and Charges**

#C24-28/2024-05/5.3

CR PEARSON / CR ANIBA

*[AGAINST – CR TOBY]***That Council resolves to:**

- (i) pursuant to Section 97(1) of the *Local Government Act 2009*, fix the cost-recovery fees set out in the attached 2024/25 Fees and Charges Schedule;
- (ii) fix all other fees and charges set out in the attached 2024/25 Fees and Charges Schedule;
- (iii) adopt the 2024/25 Fees and Charges Schedule.

CARRIED**Action:**

1. Council to explore education to community members on alternative ways of cooking to reduce reliance on gas appliances (ED Community Services).
2. Further clarification to be provided in the Fees and Charges 2024 for reasons stated by Council for allowing Wet Hire only of Plant Hire (ED Corporate Services).

➤ *Council meeting suspended for lunch break from 12.40pm to 1.00pm.*

6. COMMUNITY SERVICES DIRECTORATE**6.1. INFORMATION REPORT – Community Services (April 2024)**

#C24-28/2024-05/6.1

CR FELL / CR WOSOMO

Council notes the report.

CARRIED UNANIMOUSLY**7. CORPORATE SERVICES DIRECTORATE****7.1. Community Grants Program Allocation (May 2024)**

#C24-28/2024-05/7.1

CR HANKIN / CR MYE

1. Council notes that during the reporting period no conflict of interests were declared by Councillors in relation applications submitted for funding under the Community Grants Program;
2. Council resolves, in accordance with the Community Grants Policy, to allocate Community Grants Program funding for the month of May 2024 to the following applicants:
 - (a) MABUYGIW GARKAZIW KUPAY (MGK) TSI CORPORATION for the *eligible amount* of \$1,850.00 (exclusive of GST) from Mabuig Community Funds;
 - (b) JOHN ARMITAGE on behalf of the Erub Community for the *eligible amount* of \$1,500.00 (exclusive of GST) from Erub Community Funds;
3. Council resolves, in accordance with the Community Grants Policy, to allocate Community Grants Program funding for the month of May 2024 to the following applicant:
 - (a) PORUMA CAMPUS DANCE TEAM of Poruma Island, for the total amount of \$2,500 (exclusive of GST) from Poruma Community Funds;
4. Council notes that the application by the SAGUCI TIGERS FOOTBALL TEAM of Badu Island for the amount of \$1,475.00 (exclusive of GST) was withdrawn at the Council meeting at the request of the Division 5 Councillor for Badu (Cr Ranetta Wosomo);
5. Council notes the grant applications processed Out-of-Cycle, Funeral donations and Funeral Travel Assistance provided in May 2024 in accordance with the Community Grants policy.

CARRIED UNANIMOUSLY**7.2. Funding Acquisition Report (April 2024)**

#C24-28/2024-05/7.2

CR ELISALA / CR ANIBA

Council notes the Funding Acquisition Report (April 2024).

CARRIED UNANIMOUSLY

7.3. Interim Special Committee to Review Council’s Standing Committees – Terms of Reference (TOR) & Meeting Date

#C24-28/2024-05/7.3

CR FELL / CR MANAS

That Council:

- (a) note that the Interim Special Committee is established as an advisory committee only;**
- (b) note that Cr Chelsea Aniba will replace Cr Iona Manas as a member on the Interim Special Committee;**
- (c) endorse the Terms of Reference for the Interim Special Committee to Review Council’s Standing Committees; and**
- (d) agree that the first meeting of the Interim Special Committee be held on 10 June 2024 (10.00am and by Microsoft TEAMS) and that subsequent meetings thereafter be determined by the Interim Special Committee.**

CARRIED UNANIMOUSLY

7.4. Change of Council Meeting Date & Venue Confirmation (July 2024)

#C24-28/2024-05/7.4

CR ANIBA / CR HANKIN

Council resolves that the July 2024 Council Meeting be held on Erub on Wednesday, 24 July 2024.

CARRIED UNANIMOUSLY

8. ENGINEERING SERVICES DIRECTORATE

8.1. INFORMATION REPORT – Monthly Water & Wastewater Report (May 2024)

#C24-28/2024-05/8.1

CR MANAS / CR WOSOMO

That Council notes this report.

CARRIED UNANIMOUSLY

8.2. INFORMATION REPORT – Engineering Operations

#C24-28/2024-05/8.2

CR PEARSON / CR STEPHEN

That Council notes this report.

CARRIED UNANIMOUSLY

8.3. INFORMATION REPORT – Zenadth Kes Coastal Hazard Adaptation Strategy

#C24-28/2024-05/8.3

CR HANKIN / CR ANIBA

That Council notes the progress of the Zenadth Kes Coastal Hazard Adaptation Strategy.

CARRIED UNANIMOUSLY

9. BUILDING SERVICES DIRECTORATE

9.1. Building Services Report (April 2024)

#C24-28/2024-05/9.1

CR ANIBA / CR MYE

Council resolves to note the Building Services Report for April 2024.

CARRIED UNANIMOUSLY

10. RESOLUTION TO CLOSE THE MEETING TO THE PUBLIC

#C24-28/2024-05/10

CR TAMU / CR ELISALA

The Council resolves to close the meeting to the public pursuant to section 254J of the *Local Government Regulation 2012* to allow the Council to discuss items listed on the agenda for closed discussion and for the reasons outlined under those items.

CARRIED UNANIMOUSLY

11. CORPORATE SERVICES DIRECTORATE

- *Prior to commencement of discussion by Council on Agenda Item 11.1, all staff were requested to leave the meeting. The Chief Executive Officer, the Executive Director Corporate Services and the Manager Legal Services remained present.*

11.1. (*) Restricted Discussion (***) Repeal of Council Resolution**

[Reason for closed discussion:

This report is presented in the closed meeting of the Council under section 254J of the Local Government Regulation 2012, 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;

(f) matters that may directly affect the health and safety of an individual or a group of individuals.”]

#C24-28/2024-05/11.1

CR ELISALA / CR MYE

That Council:

- 1. Repeal the Council resolution made on 25 October 2023 regarding the request for reimbursement of the sum of \$6,543.76 for travel allowances received by the relevant Councillor;**
- 2. Resolve that no costs will be pursued from the relevant Councillor; and**
- 3. Instructs the Chief Executive Officer to inform the relevant Councillor.**

CARRIED UNANIMOUSLY

- *At the conclusion of discussions on Agenda Item 11.1, all staff originally excused from discussions were invited to return to the meeting.*

11.2. Mirabou Energy – Renewable Energy Project, Site Inspection and Engineering Design Project Cost Update

[Reason for closed discussion: This report is presented in the closed meeting of the Council under section 254J of the Local Government Regulation 2012 as it contains 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.]

#C24-28/2024-05/11.2

CR ANIBA / CR HANKIN

[AGAINST – CR LEVI. Cr Levi considers that this matter presents a long-term financial risk to Council].

That Council:

- 1. Approve the updated Site Inspection and Engineering Design project scope and cost proposed by Mirabou Energy Pty Ltd;**
- 2. Approve the project be undertaken at a maximum cost of \$75,000;**
- 3. Resolves that the Site Inspection and Engineering Design project will be undertaken on Masig Island;**
- 4. Resolves in accordance with section 235(b) of the *Local Government Regulation 2012* that it is satisfied that because of the specialised nature of the services, it would be impractical within the required timeframe to invite quotes;**
- 5. Delegates authority under section 257 of the *Local Government Act 2009* to the Chief Executive Officer in accordance with the *Local Government Act 2009* to enter into contracts, negotiate, finalise and execute any and all matters associated with or in relation to this project subject to Council's normal procurement policies and practices.**

CARRIED

11.3. Information Report – People & Wellbeing

[Reason for closed discussion: In accordance with section 254J(3)(f) of the Local Government Regulation 2012, this report involves matters that may directly affect the health and safety of an individual or a group of individuals].

#C24-28/2024-05/11.3

CR MANAS / CR MYE

That Council notes the Information Report (People & Wellbeing) for the period 1-30 April 2024.

CARRIED UNANIMOUSLY

12. ENGINEERING SERVICES DIRECTORATE**12.1. Funding Matter – 2024/25 ATSI TIDS Funding**

[Reason for closed discussion: These matters involve discussion on 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]

#C24-28/2024-05/12.1

CR WOSOMO / CR DORANTE

Council resolves:

- To enter into the proposed funding agreement with the Department of Transport and Main Road (TMR) to the amount of up to \$1,580,000 (excl. GST), administered through the ATSI TIDS Program for the Poruma Island Airport, safety improvements project, subject to formalising a funding agreement; and
- Pursuant to Section 257 of the *Local Government Act 2009*, to delegate to the Chief Executive Officer:
 - 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 project and agreement including without limitation any options and/or variations.

CARRIED UNANIMOUSLY

12.2. Marine Infrastructure Project Bids

[Reason for closed discussion: These matters involve discussion on 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]

#C24-28/2024-05/12.2

CR ELISALA / CR PEARSON

Council resolves:

- To enter into the proposed 'Torres Strait Islands Marine Infrastructure Upgrades' (Priority Community Infrastructure Program PCIP0084 – Torres Strait Island Regional Council) Funding Agreement with the Commonwealth represented by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to the amount of up to \$40,000,000.00 (excl. GST); and
- Pursuant to Section 257 of the *Local Government Act 2009*, to delegate to the Chief Executive Officer:
 - 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 project and agreement including without limitation any options and/or variations.

CARRIED UNANIMOUSLY

12.3. INFORMATION REPORT – Capital Works

[Reason for closed discussion: These matters involve discussion on 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]

#C24-28/2024-05/12.3

CR PEARSON / CR FELL

That Council notes this report.

CARRIED UNANIMOUSLY

13. COMMUNITY SERVICES DIRECTORATE**13.1. Award Dauan & Ugar Helicopter Services Tender**

[Reason for closed discussion: These matters involve discussion on 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]

#C24-28/2024-05/13.1

CR STEPHEN / CR ELISALA

That pursuant to the *Local Government Act 2009 (Qld)*, *Local Government Regulation 2012 (Qld)* and Section 228 Tender Process, Council resolves to:

1. Accept all conforming responses to the Tender 2023_641 - Dauan, Ugar - Delivery of Helicopter Services for a period of (3) years (1yr + 2x1yr options).
 - a. Suppliers will be entitled to review and submit adjusted pricing for the second and third 12-month periods of the Contract.
2. Approve the release of Tender Acceptance documents to inform the successful Tenderers; and
3. Delegate the CEO pursuant to section 257 of the *Local Government Act 2009* to negotiate, finalise and execute all outstanding matters associated with or in relation to these new arrangements including without limitation any options and/or variations as per Council's Procurement and Ethical Sourcing Policy.

CARRIED UNANIMOUSLY

14. RESOLUTION TO RETURN THE MEETING TO OPEN DISCUSSION

#C24-28/2024-05/14

CR FELL / CR ANIBA

The Council resolves to move out of closed discussions pursuant to Section 254I of the *Local Government Regulation 2012*.

CARRIED UNANIMOUSLY

15. CONSIDERATION OF MATTERS DISCUSSED IN CLOSED SESSION

Council formally resolved the decisions taken in relation to Agenda Items 11-13 above.

16. ITEMS ARISING**(a) Operational Matters**

The **Mayor** requested that Councillors wishing to raise concerns in relation to operational matters within their Division should do so directly with the **Chief Executive Officer**.

(b) Advocacy Policies Going Forward

Cr Dimas Toby sought clarification on how Council will move forward with its advocacy work. **The Mayor** responded by stating that the Council's advocacy policy is being finalised by the Corporate Services Directorate and will be filtered through to Council's Standing/Advisory Committee structure, once that structure is determined by the Special Interim Committee and the findings of the Special Interim Committee are endorsed by Council.

(c) iOR Petroleum Pty Ltd Update

Cr Keith Fell enquired if Council had any further progress to note in relation to iOR Petroleum Pty Ltd matters. The **Chief Executive Officer** advised that there is no further update at this stage for Council.

(d) Treaty Matters

Cr Dimas Toby seeking clarification/discussion on who should be the lead Councillor in relation to the Treaty matters.

The Mayor responded by advising Council that, historically, the TSIRC Mayor has automatically held that responsibility and that it is his intention to do so. The Mayor did note that the former Deputy Mayor - Cr Getano Lui (Jnr) AM - undertook the leadership role for TSIRC on Treaty matters owing to his vast/historic leadership in that area.

(e) Local Government Association of Queensland (LGAQ) Annual Conference

- *The 2024 LGAQ Annual Conference will be on 21-23 October 2024 at the Brisbane Convention and Exhibition Centre.*

Cr Kabay Tamu asked if all Councillors could utilise their Personal Development Fund (PDF) to attend the LGAQ Annual Conference, as well as set up a Masig Statement information booth/stall. The **Chief Executive Officer** indicated that he currently has no issue with Councillors utilising their PDF for that purpose.

(f) Regional Organisation of Councils (ROC)

Cr Rocky Stephen requested an update on the status of the Torres Strait Island Regional Council, Torres Shire Council and the Northern Peninsula Regional Council ROC. **The Mayor** responded by indicating that he is looking at kick-starting the proposal through a meeting with the newly-elected Mayors of the NPA Regional and Torres Shire Councils sometime in December 2024, but the priority in the coming months is to ensure that TSIRC's own newly-elected Councillors are fully prepared for that event.

(g) Progressing Support for the Masig Statement

The **Mayor** advised that Council will need to clearly embed its priorities and strategies in relation to the Masig Statement the first instance, Council will be in a much better position to engage with advocacy bodies such as the LGAQ to realise the Masig Statement.

(h) Strategic Briefing for the 10 x TSIRC Priorities & Investment Plan in Council Assets

The Mayor requested a briefing to be presented to Council on these matters as soon as possible in order for the Council to lobby during the upcoming Queensland State Government election campaign. The **Chief Executive Officer** advised that the briefing will be prepared for Council consideration at the August 2024 Council Meeting.

Action:

Chief Executive Officer to coordinate the preparation of a briefing paper to be presented to the August 2024 Council Meeting on the 10 x TSIRC Priorities and Investment Plan in relation to Council assets to prepare Council for strategic lobbying during the upcoming Queensland State Government election campaign.

17. NEXT MEETING – 25 JUNE 2024 (Microsoft TEAMS)

Noted by Council.

18. CLOSE OF MEETING & PRAYER

The Mayor formally closed the May 2024 Ordinary Council Meeting at 5.30pm on Thursday, 30 May 2024. Cr Levi delivered the closing prayer.

MINUTES CONFIRMED – 25 June 2024


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Cr Ranetta Wosomo
Deputy Mayor / Acting Chair
Torres Strait Island Regional Council
Date: 25 June 2024


.....
James William
Chief Executive Officer
Torres Strait Island Regional Council
Date: 25 June 2024