

AGENDA

TORRES STRAIT ISLAND REGIONAL COUNCIL

JANUARY 2021

Wednesday 20th January 2021, 11:05am – 5:00pm

Thursday 21st January 2021, 9:00am – 5:00pm

Video Conference

COUNCIL ORDINARY MEETING

Wednesday 20th January 2021

Agenda Items

- | | | |
|----|--------------------------|---|
| 1. | <u>11:05am – 11:10am</u> | <u>Welcome and Opening Remarks</u> |
| 2. | <u>11:10am – 11:15am</u> | <u>Apologies</u> |
| 3. | <u>11:15am – 11:30am</u> | <u>Declaration of Office - Erub</u> |
| 4. | <u>11:30am – 11:40am</u> | <u>Declaration of Conflict of Interest (COI) (Prescribed and Declarable)</u> |
| 5. | <u>11:40am – 12:00pm</u> | <u>Confirmation of Meeting Minutes</u> <ul style="list-style-type: none">• December 2020 Ordinary Meeting• Cultural Art and Land and Heritage Committee• Governance and Leadership Committee• Housing and Safe and Healthy Communities Committee• Special Meeting – 18th December 2020 |
| 6. | <u>12:00pm – 12:15pm</u> | <u>Outstanding Ordinary Meeting Action Items</u> |
| 7. | <u>12:15pm – 12:30pm</u> | <u>Resolutions Register</u> |
| 8. | <u>12:30pm – 12:35pm</u> | <u>LEGAL - Councillor Register of Interest Update (Verbal)</u> |

12:35pm – 1:30pm – LUNCH

- | | | |
|-----|------------------------|---|
| 9. | <u>1:30pm – 1:50pm</u> | <u>BUILDING – Contract – Variation to TSIRC2020-300 – Construction of 4x1 Bedroom GEH Units</u> |
| 10. | <u>1:50pm – 2:05pm</u> | <u>ENGINEERING – Proposed Local Law and Fees and Charges amendments for Waste Management Measures</u> |
| 11. | <u>2:05pm – 2:20pm</u> | <u>ENGINEERING – Proposed Formation of a TSIRC Local Disaster Management Group</u> |
| 12. | <u>2:20am – 2:35pm</u> | <u>ENGINEERING – Tidal Gauge Project Update</u> |
| 13. | <u>2:35pm – 2:50pm</u> | <u>ENGINEERING – Torres Strait Seawalls Program Stage 2</u> |
| 14. | <u>2:50pm – 3:05pm</u> | <u>ENGINEERING – Ugar All Tides – Dredge Channel Design Works</u> |

3:05pm – 3:30pm – AFTERNOON TEA

- | | | |
|-----|------------------------|---|
| 15. | <u>3:30pm – 3:45pm</u> | <u>ENGINEERING – Dauan Wharf and Associated Infrastructure (Verbal)</u> |
| 16. | <u>3:45pm – 4:15pm</u> | <u>OCEO – Fraud and Corruption Prevention Policy Update</u> |
| 17. | <u>4:15pm – 4:15pm</u> | <u>COUNCIL MOVE INTO CLOSED BUSINESS</u> |
| 18. | <u>4:15pm – 4:45pm</u> | <u>ENGINEERING – Dauan Pontoon and Gangway Removal</u> |
| 19. | <u>4:45pm – 4:45pm</u> | <u>COUNCIL MOVE OUT OF CLOSED BUSINESS</u> |
| 20. | <u>4:45pm – 5:00pm</u> | <u>Closing Remarks and Prayer</u> |

COUNCIL ORDINARY MEETING

Thursday 21st January 2021

Agenda Items

- | | | |
|-----|--------------------------|--|
| 21. | <u>9:00am – 9:05am</u> | <u>Welcome and opening prayer.</u> |
| 22. | <u>9:05am – 09:05am</u> | <u>COUNCIL MOVE INTO CLOSED BUSINESS</u> |
| 23. | <u>9:05am – 10:00am</u> | <u>MAYOR – CB – Legal Advice – Holding Redlich – Regional Governance</u> |
| 24. | <u>10:00am – 10:00am</u> | <u>COUNCIL MOVED OUT OF CLOSED BUSINESS</u> |

10:00am – 10:30am - MORNING TEA

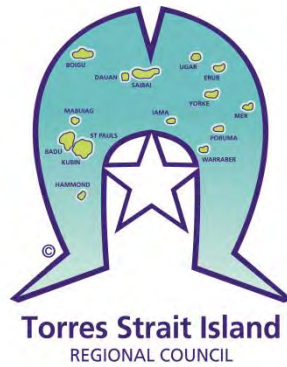
- | | | |
|-----|--------------------------|---|
| 25. | <u>10:30am – 12:00pm</u> | <u>LEGAL – Delegations Register update</u> |
| 26. | <u>12:00pm – 12:30pm</u> | <u>CORPORATE – Closed Business - Freight and fuel tender update</u> |

12:30pm – 1:30pm – LUNCH

- | | | |
|-----|------------------------|--|
| 27. | <u>1:30pm – 1:50pm</u> | <u>OPERATIONS – Housing Authority Report</u> |
| 28. | <u>1:50pm – 2:30pm</u> | <u>OCEO - Councillor Request Online Forms (Verbal)</u> |
| 29. | <u>2:30pm – 2:45pm</u> | <u>Business Arising from Information Report</u> |
| 30. | <u>2:45pm – 3:00pm</u> | <u>Next Meeting Date Scheduled:</u> <ul style="list-style-type: none">• 16th and 17th February 2021 via Video Conference |

3:00pm – 3:15pm - Afternoon Tea

- | | | |
|-----|------------------------|--|
| 31. | <u>3:15pm – 3:45pm</u> | <u>Strategic Matters</u> |
| 32. | <u>3:45pm – 3:45pm</u> | <u>COUNCIL MOVE INTO CLOSED BUSINESS</u> |
| 33. | <u>3:45pm – 3:55pm</u> | <u>CEO – CB – Industrial Matter (Verbal)</u> |
| 34. | <u>3:45pm – 4:45pm</u> | <u>MAYOR – CB – Industrial Matter (Verbal)</u> |
| 35. | <u>4:45pm – 4:45pm</u> | <u>COUNCIL MOVE OUT OF CLOSED BUSINESS</u> |
| 36. | <u>4:45pm – 5:00pm</u> | <u>Closing Remarks and Prayers</u> |



MINUTES

TORRES STRAIT ISLAND REGIONAL COUNCIL

DECEMBER 2020

Tuesday 8th December 2020, 10:30am – 5:00pm
Wednesday 9th December 2020, 9:00am – 5:00pm

Community Hall, Badu Island

Tuesday 8th December 2020

Present

Cr Phillemon Mosby, Mayor
Cr Torenzo Elisala, Division 2 – Dauan
Cr Conwell Tabuai, Division 3 – Saibai
Cr Keith Fell, Division 4 – Mabuiag
Cr Laurie Nona, Division 5 – Badu
Cr Lama Trinkoon, Division 6 – Kubin, Mua Island
Cr Seriako Dorante, Division 8 – Kiriri
Cr Getano Lui Jnr, Division 9 – Iama
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

Mr Ilario Sabatino, Chief Operating Officer (COO)
Mr David Baldwin, Chief Engineer (CE)
Ms Nicola Daniels, Acting Chief Financial Officer (Acting CFO)
Mr Peter Krebs, Senior Legal Counsel (SLC)
Mrs Ursula Nai, Senior Executive Assistant (SEA)
Mrs Kathy Cochran – Secretariat Officer (SO)

Apologies

Cr Dimas Toby, Division 1 – Boigu
Cr John Levi, Division 7 – St Pauls, Mua Island

COUNCIL ORDINARY MEETING

Tuesday 8th December 2020

Agenda Items

1. 10:38am – 10:39am Welcome and Opening Remarks

Mayor Mosby welcomed Councillors and staff and opened the Council Ordinary for December 2020.

2. 10:39am – 10:41am Apologies

- Cr Dimas Toby – Division 1 – Boigu (sorry business)

RESOLUTION:

Moved: Cr Noah; *Second:* Cr Elisala

Council resolves to accept the apology from Cr Toby for his absence at the December 2020 Council Ordinary Meeting at Badu.

MOTION CARRIED

- Cr John Levi – Division 7 – St Pauls (medical reasons)

RESOLUTION:

Moved: Cr Pearson; *Second:* Cr Tabuai

Council resolves to accept the apology from Cr Levi for his absence at the December 2020 Council Ordinary Meeting at Badu.

MOTION CARRIED

3. 10:41am – 10:42am Declaration of Conflict of Interest (COI) (Prescribed and Declarable)

No declaration made, Mayor encouraged Councillors and staff to make a declaration at any time.

4. 10:42am – 10:54am Confirmation of Meeting Minutes

- November 2020 Ordinary Meeting

RESOLUTION:

Moved: Cr Pearson; *Second:* Cr Tabuai

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

MOTION CARRIED

- Economic Growth Committee

RESOLUTION:

Moved: Cr Stephen; *Second:* Cr Tabuai

That the minutes of the Economic Growth Committee Meeting held in November 2020 in Cairns, be adopted as a true and accurate record of that meeting.

MOTION CARRIED

- Climate Change Adaptation and Environment Committee

RESOLUTION:

Moved: Cr Mosby; *Second:* Cr Tamu

That the minutes of the Climate Change Adaptation and Environment Committee Meeting held in November 2020 via video conference, be adopted as a true and accurate record of that meeting.

MOTION CARRIED

- Cultural Art and Land and Heritage Committee

Minutes will be tabled later in the meeting.

ACTION: SARG to look at extended engagement with TSRA portfolio members and TSIRC Standing committees.

5. 10:54am – 11:13am

COUNCIL MOVE INTO CLOSED BUSINESS

RESOLUTION:

Moved: Cr Elisala; *Second:* Cr Tabuai

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:

b) industrial matters affecting employees; and

MOTION CARRIED

- Industrial Matter

6. 11:13pm – 11:13pm

COUNCIL MOVE OUT OF CLOSED BUSINESS

RESOLUTION:

Moved: Cr Elisala; *Second:* Cr Pearson

That Council move out of Closed Business.

MOTION CARRIED

RESOLUTION:

Moved: Cr Elisala; *Second:* Cr Nona

That under Section 195 of the Local Government Act 2009, Council appoints David Baldwin as Acting Chief Executive Officer to perform the Chief Executive Officer's responsibilities until Acting Chief Executive Officer, Hollie Faithfull returns from her current absence.

MOTION CARRIED

7. 11:14am – 11:48am

Outstanding Ordinary Meeting Action Items

Acting CEO provided an update to Council on the outstanding Ordinary meeting action items.

Issues for China – PNG joint fishing venture. Mayor Mosby expressed disappointment with the lack of action from our team with a press release.

Cr Fell raised the Business Cards action to be placed on the action items list.

11:48am – Cr Lui joins the meeting.

8. **11:49am - 12:00pm** **BUSINESS SERVICES - Budget Review**

Acting Chief Financial Officer spoke to the report. Item left lying on the table for further enquiries to be made.

ITEM LEFT LYING ON THE TABLE

ACTION: CEO to ensure all reports are signed by the appropriate officers and Chief Executive officers before being tabled.

12:00am - Mayor requested for all staff to leave the room except the Acting Chief Executive Office.

12:40pm – 1:40pm – LUNCH

Mayor Mosby reiterated to staff for all reports are to be reviewed and signed by the CEO before coming to Council. CEO to ensure this information is filtered through to staff.

9. **1:44pm – 1:45pm** **COUNCIL MOVE INTO CLOSED BUSINESS**

RESOLUTION:

Moved: Cr Nona; *Second:* Cr Tabuai

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:

b) industrial matters affecting employees; and

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

10. **LEGAL - Development Application – 125 Chapman St, Badu**

11. **LEGAL – CB – TSIMA Licence Agreement**

12. **OCEO – CB – Industrial Relations Update (staff asked to leave the room at 2:30pm)**

13. **1:40pm** **COUNCIL MOVE OUT OF CLOSED BUSINESS**

RESOLUTION:

Moved: Cr ; Second: Cr (SEE David Baldwin for mover and seconder – staff had to leave room for industrial relation update)

That Council move out of Closed Business.

MOTION CARRIED

RESOLUTION ARISING FROM MATTERS DISCUSSED IN CLOSED SESSION

10. LEGAL Development Application – 125 Chapman ST, Badu

Cr Nona declared a conflict – close relative. Cr Nona left the room at 1:46pm

Cr Trinkoon declared a conflict – close relative. Cr Trinkoon left the room at 2:05pm

RESOLUTION 1:

Moved: Cr Tabuai; *Second:* Cr Pearson

That Council issue a Development Permit for “Reconfiguration of a Lot” with the inclusion of the conditions set out in Part 5 of the Development application Assessment Report for Badu Island, Badu QLD 4875 (Reconfiguration of Lot 125 SP274784 Badu into new lots 1250 and 1251).

MOTION CARRIED

RESOLUTION 2:

Moved: Cr Fell; *Second:* Cr Tamu

Without prejudice to Council’s accrued rights in relation to the dwelling at 125 Chapman Street, Badu, Council resolves to surrender its lease over proposed new lot 1251 (part of Lot 125 on SP274784) only, and divest the dwelling on the land, to Mura Badulgal (Torres Strait Islanders) Corporation RNTBC for peppercorn consideration, subject to:

- a) Written consent from the Department of Housing and Public Works; and**
- b) Allocation of current lease 715599235 to new lot 1250 (125A Chapman Street, Badu).**

MOTION CARRIED

RESOLUTION 3:

Moved: Cr Pearson; *Second:* Cr Mosby *Against:* Cr Noah

Noting that the dwelling is a current council asset and is subject to tenancy management funding through the Department of Housing and Public Works, Council resolves to enforce the payment of rent for occupation of 125 Chapman Street, Badu, under general tenancy agreement.

MOTION CARRIED

2:15pm – Cr Trinkoon re-joins the meeting. Cr Nona is also contacted by phone to re-join the meeting.

2:25pm – Cr Nona re-joins the meeting.

2:30pm – Staff asked to leave the room except Acting Chief Executive Officer

11. LEGAL – CB – TSIMA Licence Agreement

RESOLUTION:

Moved: ; *Second:*

That Council resolve to:

- (a) waive commercial licence fees for the TSIMA Poruma premises for up to seven months to 30 June 2021, subject to TSIMA providing in kind promotional support; and**
- (b) delegate to the CEO the power to negotiate, agree on, sign, and discharge the necessary licence agreement variation incorporating TSIMA’s commitment to in-kind promotional support.**

MOTION LOST

12. Industrial Relations Update

All staff except the Acting Chief Executive Officer left the room for this discussion at 2:30pm and returned at 2:58pm.

Acting Chief Executive Officer provided Council with a verbal update only. No resolution made.

14. 2:58pm – 2:59pm ENGINEERING – Funding Matter – Torres Strait Seawalls Programme Stage 2 – Late Report

David Baldwin, Acting Chief Executive Officer spoke to the report.

RESOLUTION:

Moved: Cr Fell; *Second:* Cr Tabuai

That pursuant to Section 257 of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer:

1. power to make, amend or discharge current funding agreement signed/dated 11th November 2019 for Torres Strait Seawalls Programme Stage 2 to include the grant sum of additional \$20 Million from the Commonwealth Government to fund Coastal Defence works on Iama, Warraber & Masig.
2. 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

15. 2:59pm – 3:34pm CORPORATE - Community Grants and Donation Procedures

Acting Chief Financial Officer spoke to the report. After some deliberation Council proposed to revisit and review the Policy.

ACTION: Revisit and review the Community Grants Policy.

RESOLUTION:

Moved: Cr Mosby; *Second:* Cr Noah

That Council resolves to note that changes, incorporated into the Community Grant Procedure, align with the November 2020 workshop discussion.

MOTION CARRIED

Seven Councillors voted for the motion (Cr Nona, Cr Mosby, Cr Pearson, Cr Trinkoon, Cr Tamu, Cr Noah, and

Mayor Mosby

Six Councillors voted against the motion (Cr Elisala, Cr Tabuai, Cr Fell, Cr Dorante, Cr Stephen, and Cr Lui)

3:34pm – 2:45pm CORPORATE – Communication Policy

Acting Chief Financial Officer spoke to the report.

RESOLUTION:

Moved: Cr Noah; *Second:* Cr Nona

That Council resolves to adopt the Acceptable Request and Communication Protocol Policy; and delegate authority to the Chief Executive Officer (CEO) in accordance with the *Local Government Act 2009* to update appendix 2 of the policy as required and make further minor administrative amendments as they arise.

MOTION CARRIED

3:50pm – 4:04pm – AFTERNOON TEA

16. 4:04pm – 4:06pm CORPORATE – Terms of Reference – Standing Committees

Acting Chief Financial Officer spoke to the report.

RESOLUTION:

Moved: Cr Nona; *Second:* Cr Noah

That Council resolves to:

1. **Endorse the updated Terms of Reference for the Standing Committees.**

MOTION CARRIED

17. 4:06pm – 4:09pm BUILDING – Contract Matter – 46 Aikuru St, Warraber

Chief Operating Officer spoke to the report.

RESOLUTION:

Moved: Cr Fell; *Second:* Cr Pearson

Council resolves to:

1. **Submit a tender to the Queensland State Government through the Department of Housing and Public Works to carry out various upgrade works at 46 Aikuru Street, Warraber Island (WS153764) with tender price of \$264,422.40 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

ACTION: SO to advise Head of Building Services that Contractual matter are dealt with in open business and to remove "Closed Business" from their report header.

18. 4:09pm – 4:11pm BUILDING – Contract Matter – 33B Dabus St, Warraber

Chief Operating Officer spoke to the report.

RESOLUTION:

Moved: Cr Fell; *Second:* Cr Stephen

Council resolves to:

1. **Submit a tender to the Queensland State Government through the Department of Housing and Public Works to carry out various upgrade works at 33B Dabus Street, Warraber Island (WS153789) with a tender price of \$280,488.20 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

19. **4:11pm – 4:13pm** **BUILDING – Contract Matter - 12 Phillemon St, Warraber**

Chief Operating Officer spoke to the report.

RESOLUTION:

Moved: Cr Fell; *Second:* Cr Noah

Council resolves to:

1. Submit a tender to the Queensland State Government through the Department of Housing and Public Works to carry out various upgrade works at 12 Phillemon Street, Warraber Island (QBFNQ0540BLD1) with a tender price of \$231,110.30 excl of GST and
2. Delegate to the Chief Executive Officer's to submit the tender, enter into contracts, negotiate, finalise, and execute any and all matters in relation to this tender.

MOTION CARRIED

ACTION: Information Report to come to Council (see COO)

20. **4:13pm – 4:20pm** **BUILDING – Contract Matter – 14 Aikuru St, Warraber**

Chief Operation Officer spoke to the report.

RESOLUTION:

Moved: Cr Fell; *Second:* Cr Pearson

Council resolves to:

1. Submit a tender to the Queensland State Government through the Department of Housing and Public Works to carry out various upgrade works at 14 Aikuru Street, Warraber Island (WS1538914) with a tender price of \$232,951.58 excl of GST and;
2. Delegate to the Chief Executive Officer's to submit the tender, enter into contracts, negotiate, finalise, and execute any and all matters in relation to this tender.

MOTION CARRIED

21. **4:20pm – 4:45pm** **OCEO – 2021 Ordinary Meeting Dates**

Acting Chief Financial Officer spoke to the report. Council suggested the May meeting should be held face to face in Cairns. Acting Chief Financial Officer advised Council only six face to face meeting were budgeted for in this period and the Cairns face to face would make it seven face to face.

RESOLUTION:

Moved: Cr Tabuai; *Second:* Cr Nona

1. That Council endorse the following dates and venue as Council's Ordinary meeting dates for 2021;

Month 2020	Date	Venue/ Division
January	19-20	F2F - Poruma
February	16-17	Video Conference
March	16-17	F2F - Mabuig
April	20-21	Video Conference
May	17-18	F2F – Cairns –
June	29-30	Video Conference
July	20-21	F2F - lama

August	17-18	Video Conference
September	21-22	F2F - Hammond
October	19-20	Video Conference
November	15-16	F2F - Cairns
December	14-15	F2F - Moa

2. *That Council endorse the following dates and venue as the ordinary meeting dates for its Standing Committees for 2021:*

Standing Committee	Meeting dates/times/venue
SARG	Friday 12 th January 2021 9am – 12pm
	Tuesday 2 nd February 2021 1pm – 4pm
	Tuesday 2 nd March 2021 1pm – 4pm
	Tuesday 6 th April 2021 1pm – 4pm
	Tuesday 4 th May 2021 1pm – 4pm
	Tuesday 15 th June 2021 1pm – 4pm
	Tuesday 6 th July 2021 1pm – 4pm
	Tuesday 3 rd August 2021 1pm – 4pm
	Tuesday 7 th September 2021 1pm – 4pm
	Tuesday 5 th October 2021 1pm – 4pm
	Tuesday 2 nd November 2021 1pm – 4pm
	Tuesday 30 th November 2021 1pm – 4pm
Governance and Leadership Committee	22 nd February 2021
	21 st June 2021
	23 rd August 2021
	25 th October 2021
Housing and Safe and Healthy Communities Committee	23 rd February 2021
	22 nd June 2021
	24 th August 2021
	26 th October 2021
Climate Change Adaptation and Environment Committee	24 th February 2021
	23 rd June 2021
	25 th August 2021
	27 th October 2021
Economic Growth Committee	25 th February 2021
	24 th June 2021
	26 th August 2021
	28 th October 2021
Cultural Arts, Land and Heritage Committee	26 th February 2021
	25 th June 2021
	27 th August 2021
	29 th October 2021

MOTIN CARRIED

22. **4:54pm – 4:55pm** **OCEO – Local Fares Scheme (verbal)**

Verbal update was to be provided by the Acting Chief Executive Officer but was left lying on the table.

23. **4:55pm – 4:56pm** **Closing Remarks and Prayer**

Mayor thanked everyone for their attendance and contribution and closed the meeting in prayer.

MEETING CLOSED 4:56pm

Wednesday 9th December 2020

Present

Cr Phillemon Mosby, Mayor
Cr Torenzo Elisala, Division 2 – Dauan
Cr Conwell Tabuai, Division 3 – Saibai
Cr Keith Fell, Division 4 – Mabuiag
Cr Laurie Nona, Division 5 – Badu
Cr Lama Trinkoon, Division 6 – Kubin, Mua Island
Cr Seriako Dorante, Division 8 – Kiriri
Cr Getano Lui Jnr, Division 9 – Iama
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

Mr David Baldwin, Chief Engineer (CE)
Mr Ilario Sabatino, Chief Operating Officer (COO)
Ms Nicola Daniels, Acting Chief Financial Officer (Acting CFO)
Mr Peter Krebs, Senior Legal Counsel (SLC)
Mrs Ursula Nai, Senior Executive Assistant (SEA)
Mrs Kathy Cochran – Secretariat Officer (SO)

Apologies

Cr Dimas Toby, Division 1 – Boigu
Ms Hollie Faithfull, Acting Chief Executive Officer (Acting CEO) – Sick Leave

COUNCIL ORDINARY MEETING
Wednesday 9th December 2020
Agenda Items

24. 9:00am – 9:05am

Welcome and opening prayer.

Mayor Mosby welcomed Councillors and staff and members of the public present in the gallery. Mayor paid respect and acknowledged;

- Traditional owners of Badu
- Elders and Leaders past, present and emerging
- Spiritual leaders

Mayor invited Cr Lui to open the meeting in prayer.

25. 9:05am – 9:35am

PRESENTATION 1: Mr Gerald Bowie

26. 9:35am – 9:45am

LEGAL – Delegations Register update

Senior Legal Counsel spoke to the report. Council requested further consultation be made with Councillors. All Councillors in favour.

ITEM LEFT LYING ON THE TABLE

27. 9:45am – 10:15am

OCEO – Contractual Matter – Telstra Contract

Chief Financial Officer spoke to the report. Council requested further investigation and due diligent is done properly before report being tabled.

ITEM LEFT LYING ON THE TABLE

ACTION: Chief Executive officers to ensure reports have correct headers and business type (open/closed business, agenda/ information) going forward.

10:15am – 10:33am - MORNING TEA

28. 10:30am – 12:36pm

PRESENTATION 2: Ms Jacqueline Herbert – Department of Foreign Affairs and Trading, Thursday Island

ACTION: Melanie will seek further clarity and report back to Councillor Nona on concerns raised.

ACTION: Send a letter to Queensland Health regarding access to Saibai Health Services.

Council fully supports to maintain the travel ban - Torres Strait Treaty

ACTION: Notice drafted by Jacqueline to come to Mayor for signature. SEA to follow up with Department of Foreign Affairs and Trading.

12:36pm – 1:40pm – LUNCH

29. **1:40am – 2:30pm** **PRESENTATION 3:** Skytrans – Sam Collings

2:02pm: Acting CEO informs Council several Councillors and Chief Operating Officer will need to leave because of emergency and due to communications being down. (COO, Cr Noah, Cr Dorante, Cr Elisala and Cr Fell)

Mayor Mosby and Acting Chief Executive Officer supports the leave on the grounds of legal advice received. Mayor asked if a resolution is required and the advice was no not required.

Cr Elisala apologised to Cr Nona for leaving early due to cultural reasons and weather predictions for return travel. (Cr Elisala travel by dinghy)

30. **2:30pm – 3:30pm** **BUSINESS SERVICES – Budget Review 1**

Acting Chief Financial Officer spoke to the report.

RESOLUTION:

Moved: Cr Noah; *Second:* Cr Fell

That Council adopts in accordance with s169 and s170 of the Local Government Regulation 2012 an amended budget for the 2020-2021 Financial Year as presented, 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 relevant measures of financial sustainability; and**
- (vii) 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**
- (viii) Capital budget.**

MOTION CARRIED

31. **2:30pm – 3:18pm** **PRESENTATION 4:** Ms Rosalie Jensen and Wayne Laza – Badu Move It Program

3:00pm – Cr Elisala, Cr Noah, Cr Fell, Cr Dorante and Ilario-COO leave meeting due to emergency situation with communication down and cultural reasons.

32. **3:18pm – 3:19pm** **OCEO – Local Fares Scheme workshop**

Postponed to January 2021 OM.

ACTION: Team to invite Tim to attend January 2021 OM to present an update on the Local Fares Scheme.

33. **3:19pm – 3:22pm** **Business Arising from Information Report**

No business arising.

34. 3:22pm – 3:22pm Next Meeting Date Scheduled
- January 2021
 - Special Meeting 18 December 2020 – VC
35. 3:22pm – 3:23pm COUNCIL MOVE INTO CLOSED BUSINESS
- RESOLUTION:**
Moved: Cr Mosby; *Second:* Cr Pearson
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:
b) industrial matters affecting employees;
- MOTION CARRIED**
- Industrial Matter
36. 3:44pm – COUNCIL MOVE OUT OF CLOSED BUSINESS
- RESOLUTION:**
Moved: ; *Second*
That Council move out of closed business. (SEE David Baldwin for mover and seconder – staff had to leave room for industrial relation update)
- MOTION CARRIED**
- No resolution made. Verbal discussion only.
37. 3:44pm – 3:59pm Strategic Matter
- Cr Pearson asked about the meeting speaker and recording system.
- ACTION:** Team to obtain quotes for a new system.
- Cr Trinkoon raised his community shares a rubbish truck with St Pauls. ACEO responded.
- Cr Tabuai mentioned a letter from Traditional Owners regarding PNG National coming over and being harboured by people in Council/social houses. Is there something under the Tenancy agreement to remove them from the dwelling.
- Cr Nona through the Mayor requested the Chiller and freezer at the Badu Hall be repaired and air-conditioning be installed in the hall.
- Cr Stephen through the Mayor requested a workshop be held for standing committee chairs around meeting procedures. Preferably after the Council meeting at Poruma.
- Cr Tabuai through the Mayor requested the Saibai office be painted.

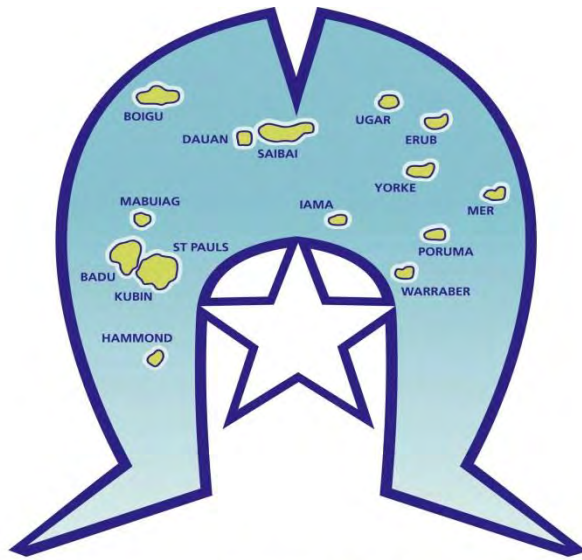
38. 3:59pm – 4:04pm Closing Remarks and Prayers

Mayor Mosby thanked staff and Councillors for their time and attendance at this meeting. Mayor advised a donation of \$5k will be presented to Cr Nona at the farewell dinner tonight and closed the meeting in prayer.

MEETING CLOSED – 4:04pm

.....
Hollie Faithfull
Acting Chief Executive Officer
Torres Strait Island Regional Council
20th January 2021

.....
Phillemon Mosby
Mayor
Torres Strait Island Regional Council
20th January 2021



Torres Strait Island
REGIONAL COUNCIL

MINUTES

CULTURE, ART, LAND AND HERITAGE COMMITTEE

Date: 4th November 2020

Time: 1:16am to 2:13pm

Venue: VMR #8 – 02 9916 5402

Present

Cr Aven Noah (Chair) – Division 15 – Mer
Cr Torenzo Elisala – Division 2 – Dauan
Kathy Cochran – Secretariat Officer

1. Welcome (Chair)

Cr Noah welcomed everyone to the meeting and thanked them for their attendance.

2. Opening Prayer

Cr Noah opened the meeting in prayer.

3. Apologies

- Cr Nona – Division 5 – Badu

The apology of Cr Nona is accepted. All in favour.

4. Conflict of Interest (COI) Prescribed and Declarable

Cr Noah made the following declaration;

- He is a staff member of Mer Ged Kem Le

Cr Elisala made the following declaration;

- He is a Director and the Secretary of Dauan PBC.

5. Terms of Reference Discussion

Cr Noah and the Committee walks through the Terms of Reference for the Culture, Arts, Land and Heritage Standing Committee.

ACTION: SO to correct the name of the Committee to include Land in the name.

Both the Chair and Cr Elisala is happy with the Terms of Reference however Cr Elisala mentioned to develop each individual community cultural protocols as they differ from island to island.

ACTION: Provide cultural advice and assistance in consultation with PBC and each community in the development of individual island protocols and processes.

ACTION: Add the first names of the Councillors on the committee in the Terms of Reference.

6. Standing Agenda Items Discussion

No standing agenda item. Chair asked Secretariat to explain this Agenda topic for the benefit of the Committee.

7. Meeting Dates for 2021

Committee had a brief discussion regarding the dates and decided to wait until the dates of the 2021 Council Ordinary Meeting were set and known before setting the dates for their quarterly meeting for 2021.

8. General/ Other Business (on notice)

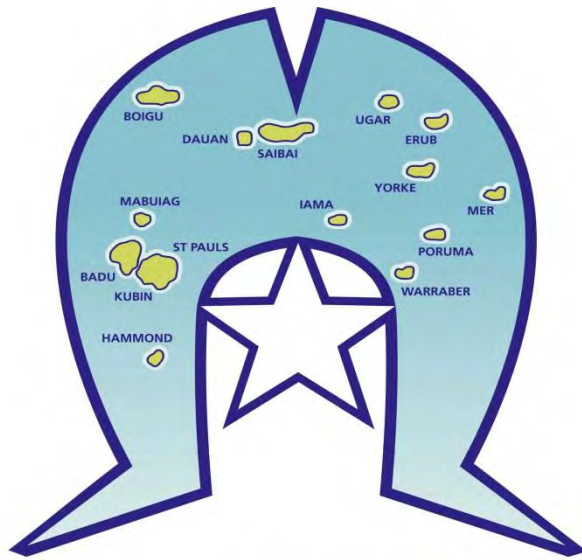
Nil

9. Next meeting date

To be advised.

10. Closing Prayer

Cr Noah thanked everyone and closed the meeting.



Torres Strait Island
REGIONAL COUNCIL

MINUTES

GOVERNANCE AND LEADERSHIP COMMITTEE

Date: 22nd December 2020

Time: 10:22am to 11:30am

Venue: VMR #6 – 02 92 970 558

Agenda

1. Welcome (Chair)
2. Opening Prayer
3. Apologies
4. Conflict of Interest (COI)/ Material Personal Interest (MPI) Declaration
5. Terms of Reference Discussion
6. Standing Agenda Items Discussion
7. LEGAL - Example on CEO Delegation on Trustee Land matters
8. Meeting Dates for 2021
 - January – March (22nd February 2021)
 - April – June (21st June 2021)
 - July – September (23rd August 2021)
 - October – December (25th October 2021)
9. General/ Other Business (on notice)
10. Next meeting date – 22nd February 2021
11. Closing Prayer

Tuesday 22nd December 2020

PRESENT

Cr Lui – Division, Iama - Chair

Cr Lama Trinkoon – Division 6 – Kubin Community, Moa Island

Cr Dimas Toby – Division 1 – Boigu

Mr Peter Krebs, Senior Legal Counsel

Mrs Kathy Cochran, Secretariat Officer

Apology

Nil

GOVERNANCE AND LEADERSHIP STANDING COMMITTEE MEETING
Tuesday 22 December 2020

1. Welcome (Chair)

Cr Lui welcome everyone and thanked them for their time and attendance.

2. Opening Prayer

Cr Lui opened the meeting in pray.

3. Apologies

No apologies

4. Conflict of Interest (COI) (Prescribed and Declarable)

No declaration.

5. Terms of Reference Discussion

The committee goes through the terms of reference.

ACTION: Peter Krebs to send a copy of Section 264 of the Local Government Regulation 2012 to Cr Trinkoon

6. Standing Agenda Items Discussion

No standing item.

7. LEGAL - Example on CEO Delegation on Trustee Land matters

Peter Krebs spoke to this report. Mr Krebs explains the delegation of powers to the Chief Executive Officer and provided the Committee with some example of a sewerage spill and the incident being a risk to public health and safety.

Mr Krebs informed the committee a flow chart is being developed and a list of examples of when the power is delegated to the CEO.

Cr Toby wanted to note that the acting chief executive officer's signature needs to be on the reports, this gives Council the confidence the CEO has reviewed them.

Cr Lui explains to the committee when a report comes to the committee we review as the committee and make recommendation if necessary, to SARG. SARG then has an opportunity to review and the final paper is then tabled at the full Council Ordinary meeting.

Cr Lui asked who is responsible for the annual update to Council on the CEO's delegation. (Need to have this clarified either by Legal or Governance). If it is required by legislation for the reviewed to be done and we haven't done it, let's work to getting the review done as a priority.

ACTION: Mr Krebs to seek clarification from MLS on the annual review of the CEO's delegation.

RECOMMENDATION:

The Committee recommends to Mayor out of session that a review of the delegation be carried out if one has not been done in the last twelve (12) months and include an Executive summary on key target areas.

SUPPORTED BY
Cr Toby and Cr Trinkoon

Trustee Land matters – delegation

- Powers – emergency
- Flow chart when it comes into effect.
- Respective Local Councillor to be part of the discussion.
- Where there is a controversial matter to consult the Mayor
- Councillor on ground have veto powers for their Division.

Cr Toby asked for clarity on operational matters and where does he stand on separation of powers, e.g., Seawall Project – road closure – go back to full council, if an emergency and public safety is the issue then - CEO delegation,

8. Meeting Dates for 2021

- | | |
|----------------------|----------------------------------|
| - January – March | (22 nd February 2021) |
| - April – June | (21 st June 2021) |
| - July – September | (23 rd August 2021) |
| - October – December | (25 th October 2021) |

Cr Lui flagged the 23rd of August may possibly change as it is a public holiday.

ACTION: SO, to place in committee members outlook calendars

9. General/ Other Business (on notice)

Discussion was had on movement at the border.

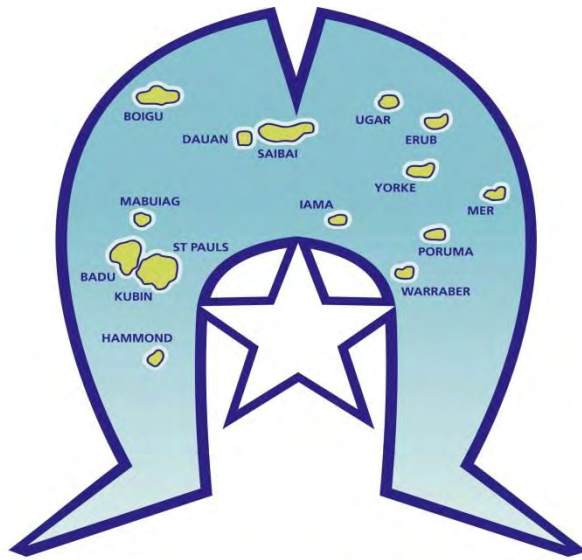
10. Next meeting date – 22nd February 2021

Committee confirmed 22nd February 2021 as the next meeting date.

ACTION: Cr Trinkoon asked for information on the Treaty at the Local government level if someone can send through.

11. Closing Prayer

Cr Lui invited Cr Toby to close the meeting in prayer.



Torres Strait Island
REGIONAL COUNCIL

MINUTES

HOUSING AND SAFE AND HEALTHY COMMUNITY COMMITTEE

Date: 22nd December 2020

Time: 9:00am to 11:00pm

Venue: VMR #6 – 02 92 970 558

Tuesday 22nd December 2020

Present

Cr Keith Fell – Division 4 – Mabuiag (Chair)
Cr Frances Pearson – Division 11 – Poruma
Cr John Levi – Division 7 – St Pauls, Moa Island

Rachel Pierce, Acting Chief Operating Officer
Kathy Cochran, Secretariat Officer

Apology

Nil

Housing and Safe and Healthy Communities Standing Committee
Meeting
Tuesday 22nd December 2020

1. Welcome (Chair)

Cr Fell welcomed everyone to the meeting and thanked them for their attendance. Cr Fell paid respect and acknowledge the following;

- Heavenly Father
- Traditional Owners
- Staff

2. Opening Prayer

Cr Fell invited Cr Levi to open the meeting in prayer.

3. Apologies

Nil

4. Conflict of Interest (COI)/ Material Personal Interest (MPI) Declaration

No declaration made.

5. Terms of Reference Discussion

Cr Fell and Committee went through the Terms of Reference.

ACTION: Amend the TOR to include in list of Objective as another dot point

- Sports and Recreation

6. Standing Agenda Items Discussion

- Local Housing Plan

COO provided committee with an update on the Regional Housing Plan and the Local Housing Plan.

- Housing Authority

COO informed committee a presentation was develop to present to the full Council at the November workshop and if the committee would like a copy sent to them.

ACTION: COO to send each committee member a copy of the Housing Authority presentation.

Cr Pearson asked if its just social housing or state housing.

ACTION: COO to provide a briefing note on the current housing stock for the Region and a copy of the Housing authority proposal to the Committee at the next meeting.

ACTION: COO to provide at the next committee meeting an updated briefing note on both Regional and Local Housing Plan.

7. Meeting Dates for 2021

- January – March (23rd February 2021)
- April – June (22nd June 2021)
- July – September (24th August 2021)
- October – December (26th October 2021)

ACTION: Secretariat to place dates into committee members calendars

8. General/ Other Business (on notice)

Cr Levi asked about the \$2m and plug ins. Acting COO noted to include in briefing note.

Cr Pearson raised an issue with houses recently built in some Divisions do not have concrete under them and if a response can be sought from the Department.

COO gave undertaking she will follow up with the Department and include their response in the briefing note together with water tank issues and inconsistent work across the Region (houses in some Division has concrete slabs under them and some do not.

Cr Fell raised the issue of some houses don't have a fence and if we can explore some funding avenues for the fences.

Cr Levi asked about horse fencing program for Katter Leases properties. As the fencing program only covered properties under the DOGIT. Can the Katter Lease property be fenced too?

ACTION: COO to check the fencing program and the criteria

Cr Levi asked about the high-cost maintenance houses.

COO informed Committee there's plan to develop a Community Housing Information Session and have the three stakeholders at each session;

- TSIRC
- Dept of Housing Public Works
- QBuild

Cr Fell suggested the committee be included at consulted.

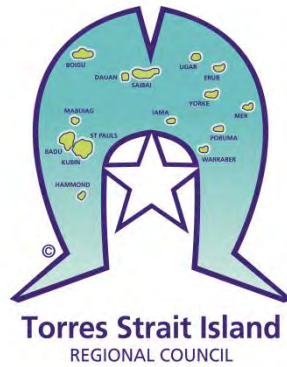
9. Next meeting date

Committee confirmed next meeting date as 23rd February 2021.

10. Closing Prayer

Cr Fell invited Cr Pearson to close the meeting in prayer.

MEETING CLOSED at 9:31am



MINUTES

TORRES STRAIT ISLAND REGIONAL COUNCIL

DECEMBER 2020

SPECIAL MEETING

Friday 18th December 2020

Video Conference

Friday 18th December 2020

Present

Cr Phillemon Mosby, Mayor - Poruma
Cr Torenzo Elisala, Division 2 – Dauan
Cr Lama Trinkoon, Division 6 – Kubin, Mua Island
Cr John Levi, Division 7 – St Pauls, Mua Island
Cr Seriako Dorante, Division 8 – Kiriri
Cr Getano Lui Jnr, Division 9 – Iama
Cr Francis Pearson, Division 11 – St Pauls, Mua Island
Cr Hilda Mosby, Division 12 – Masig
Cr Rocky Stephen, Division 13 – Ugar

Ms Hollie Faithfull, Acting Chief Executive Officer (Acting CEO) (Cairns Office)
Mr Ilario Sabatino, Chief Operating Officer (COO) (phone)
Mr David Baldwin, Chief Engineer (CE) (Cairns Officer)
Ms Nicola Daniels, Acting Chief Financial Officer (Acting CFO) (Cairns Office)
Mr Peter Krebs, Senior Legal Council (MLS) (phone)
Mrs Ursula Nai, Senior Executive Assistant (SEA) (TI Office)
Mrs Kathy Cochran – Secretariat Officer (SO) (Cairns Officer)

Apologies

Cr Dimas Toby, Division 1 – Boigu
Cr Conwell Tabuai, Division 3 – Saibai
Cr Keith Fell, Division 4 – Mabuiag
Cr Laurie Nona, Division 5 – Badu
Cr Kabay Tamu, Division 10 – Warraber
Cr Aven Noah, Division 15 – Mer

COUNCIL ORDINARY MEETING

Friday 18th December 2020

Agenda Items

1. 10:15am – 10:20am Welcome and Opening Remarks

Mayor Mosby welcomed all Councillors and staff to the meeting and thanked them for their attendance and invited Cr Levi to open the meeting in prayer.

Mayor Mosby acknowledge the traditional owner of all the land we meet on today in Cairns and across the Zenadth Kes Region. He also paid respect and offered condolences to the families who are in sorry business and asked Councillors and staff to observe a minute silence.

Cr Levi through the Mayor informed the Council in his Division they were currently celebrating a wedding and it is shadow by the recent passing of a community elder.

2. 10:20am – 10:27am Apologies

- Cr Toby– Division 1 - Boigu – (sorry business)

RESOLUTION:

Moved: Cr Levi; *Second:* Cr Stephen

That Council resolves to accept the apology of Cr Toby for the Special Meeting held on Friday 18th December 2020 via video conference.

MOTION CARRIED

Against: Cr Elisala

(Cr Elisala is against the motion – this meeting date was agreed to and endorsed by all Councillors at the December OM at Badu last week, Councillors should have said then they were unable to attend as this would have not wasted the time of the administration staff and the Team putting the reports together for endorsement at this Special meeting)

- Cr Noah – Division 15 – Mer – (cultural business – tombstone unveiling)

RESOLUTION:

Moved: Cr Lui; *Second:* Cr Pearson

That Council resolves to accept the apology of Cr Noah for the Special Meeting held on Friday 18th December 2020 via video conference.

MOTION CARRIED

Against: Cr Elisala

(Cr Elisala reasoning for being against the motion – this meeting date was agreed to and endorsed by all Councillors at the December OM at Badu last week, Councillors should have said then they were unable to attend as this would have not wasted the time of the administration staff and the Team putting the reports together for endorsement at this Special meeting)

- Cr Nona – Division 5 – Badu - (cultural business – tombstone unveiling)

RESOLUTION:

Moved: Cr Stephen; Second: Cr Pearson

That Council resolves to accept the apology of Cr Nona for the Special Meeting held on Friday 18th December 2020 via video conference.

MOTION CARRIED

Against: Cr Elisala

(Cr Elisala reasoning for being against the motion – this meeting date was agreed to and endorsed by all Councillors at the December OM at Badu last week, Councillors should have said then they were unable to attend as this would have not wasted the time of the administration staff and the Team putting the reports together for endorsement at this Special meeting)

- Cr Tabuai – Division 2 – Saibai – sorry business

RESOLUTION:

Moved: Cr Pearson; Second: Cr Levi

That Council resolves to accept the apology of Cr Tabuai for the Special Meeting held on Friday 18th December 2020.

MOTION CARRIED

Against: Cr Elisala

(Cr Elisala reasoning for being against the motion – this meeting date was agreed to by and endorsed by all Councillors at the December OM at Badu last week, Councillors should have said then they were unable to attend as this would have not wasted the time of the administration staff and the Team putting the reports together for endorsement at this Special meeting)

- Cr Kabay Tamu – Division 10 – Warraber – (currently travelling)

RESOLUTION:

Moved: Cr Mosby; Second: Cr Pearson

That Council resolves to accept the apology of Cr Tamu for the Special Meeting held on Friday 18th December 2020 via video conference.

MOTION CARRIED

Against: Cr Elisala

(Cr Elisala reasoning for being against the motion – this meeting date was agreed to by and endorsed by all Councillors at the December OM at Badu last week, Councillors should have said then they were unable to attend as this would have not wasted the time of the administration staff and the Team putting the reports together for endorsement at this Special meeting)

- Cr Keith Fell – Division 4 – Mabuiag – no reason given and unable to be contacted

RESOLUTION:

Moved: no one moved; Second: no one second

That Council resolves to accept the apology of Cr Fell for the Special Meeting held on Friday 18th December 2020 via video conference.

MOTION IS LOST

3. **10:27am – 10:31am** **Declaration of Conflict of Interest (COI) / Material Person Interest (MPI)**

No declaration by Councillors.

The Acting Chief Executive Officer and the Acting Chief Financial Officer both make the following declaration on the Industrial Relation Matter – Closed Business Report. After seeking legal advice from Preston Law, they declare the following;

- We both are entitled to receive the payment should Council resolve to make it;
- the fact that the subject matter of the report requires Council to either make the payment identified or not – in other words, it is not an option to pay particular staff an amount and not others, and so all staff affected by the decision will be affected in the same way;
- the recommendation contained in the report that Council make the payment is consistent with the multiple legal advices obtained, which conclude that Council has no option but to make the payment;
- We both hold the view that notwithstanding our entitlement to receive the payment, given the nature of the matters and the legal advice, and the fact that we both are delivering the report rather than making a decision on the matter (which falls to the councillors), we both propose to manage the conflict by disclosing it, but otherwise stay in the meeting to deliver the report and respond to questions from councillors.

4. **10:31am – 10:33am** **GOVERNANCE – 2021 Council Meeting Date Amendments**

Acting Chief Executive Officer spoke to the report.

RESOLUTION:

Moved: Cr Stephen; *Second:* Cr Levi

1. That Council endorse the amended January date as the ordinary meeting dates for SARG Committee for 2021:

Standing Committee	Meeting dates/ times / venue
SARG	Tuesday 19 th January 2020 9am – 12 pm

2. That Council endorse the amended January date as Council's Ordinary meeting dates for 2021;

Month 2020	Date	Venue/Division
January	Wednesday 20 th and Thursday 21 st January	Poruma

MOTION CARRIED

5. **10:33am – 10:46am**

BUSINESS SERVICES – Contractual Matter – Telstra

Acting Chief Executive Officer spoke to the report and informed council, Warren Jenkins, TSIRC Manager of Information Technology Services has joined (10:34am) the meeting to further explain the report and answer any questions.

RESOLUTION:

Moved: Cr Elisala; Second: Cr Stephen

That pursuant to Section 257 of the Local Government Act 2009, Council delegates to the Chief Executive Officer:

- 1. Power to make, amend or discharge the (contract number: Telecommunication Services – NPN1.18)**
- 2. Power to negotiate, finalise and execute any and all matters associated with or in relation to this tender and contract including without limitation any options and/or variations.**

MOTION CARRIED

6. **10:46am – 11:19am**

COUNCIL MOVE INTO CLOSED BUSINESS

Acting Chief Executive Officer asked Secretariat officer and the Senior Executive Assistant to leave the room. Staff left the room at 10:46am.

- Mayor Phillemon Mosby and Cr Hilda Mosby both declared a conflict of interest as they were both past employees of the Torres Strait Island Regional Council and would-be recipients.

RESOLUTION:

Moved: Cr Lui; Second: Cr Levi

Council resolves that it is in the public interest that both Cr Hilda Mosby and Mayor Phillemon Mosby participates in the discussion regarding the Industrial Relations Matter because a reasonable person would trust that the final decision is made in the public interest.

MOTION CARRIED

- Acting Chief Executive Officer, Miss Hollie Faithfull and Acting Chief Financial Officer, Ms Nichola Daniels both declared a conflict of interest as they are current employees and on receiving legal advice make the following declaration;
 - We both are entitled to receive the payment should Council resolve to make it;
 - the fact that the subject matter of the report requires Council to either make the payment identified or not – in other words, it is not an option to pay particular staff an amount and not others, and so all staff affected by the decision will be affected in the same way;
 - the recommendation contained in the report that Council make the payment is consistent with the multiple legal advices obtained, which conclude that Council has no option but to make the payment;
 - We both hold the view that notwithstanding our entitlement to receive the payment, given the nature of the matters and the legal advice, and the fact that we both are delivering the report rather than making a decision on the matter (which falls to the councillors), we both propose to manage the conflict by disclosing it, but otherwise stay in the meeting to deliver the report and respond to questions from councillors.

RESOLUTION:

Moved: Cr Elisala; *Second:* Cr Levi

Council resolves that it is in the public interest that both the Acting Chief Executive Officer, Ms Hollie Faithfull and the Acting Chief Financial Officer, Ms Nicola Daniels participates in the discussion regarding the Industrial Relations Matter because a reasonable person would trust that the final decision is made in the public interest.

MOTION CARRIED

RESOLUTION:

Moved: Cr Levi; *Second:* Cr Trinkoon

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:

b) industrial matters affecting employees

MOTION CARRIED

- **OCEO – CLOSED BUSINESS - Industrial Relations Matter**

Acting Chief Executive Officer spoke to the report.

7. **11:19am – 11:20am**

COUNCIL MOVE OUT OF CLOSED BUSINESS

RESOLUTION:

Moved: Cr Levi; *Second:* Cr Pearson

That Council move out of Closed Business.

MOTION CARRIED

11:20am – Staff re-joined the meeting.

8. **11:20am – 11:21am**

OCEO – Industrial Relations Matter

RESOLUTION:

Moved: Cr Stephen; *Second:* Cr Pearson

Council resolves to;

- (a) Make the payments to the Affected Employees, for the reasons, and on the terms, considered by Council during the closed session of this meeting; and**
- (b) Delegate authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to liaise with employee and otherwise give effect to items (a) of this resolution.**

MOTION CARRIED

11:21am - SO and SEA re-joined the meeting.

9. **11:21am – 11:32noon** **Closing Remarks and Prayer**

Mayor Mosby thanked Councillors and staff for their attendance, especially at this time of the year and invited the acting Chief Executive Officer to brief Councillors on the business continuity Plan over the Christmas shutdown period...

Acting Chief Executive Officer provided Council with a briefing on the business continuity plan and informed Council the Acting Chief Financial Officer, Nichola Daniels have tender a letter to step down from the acting role and concentrate on her substantial position of Financial Services Manager. Acting Chief Executive Officer expressed her sincere thanks to Ms Daniels for all her help and assistance in the acting capacity and informed Council in the interim, David Baldwin, Chief Engineer will oversee Strategic and Logistics and Ilario Sabatino, Chief Operating Officer will oversee People and Wellbeing.

Deputy Mayor thanked Ms Daniels for all her hard work and asked if this affects the structure.

Mayor Mosby thanked Ms Daniels and all the Chief of Staff and closed the meeting in prayer.

Meeting closed – 11:32am

.....
Hollie Faithfull
Acting Chief Executive Officer
Torres Strait Island Regional Council
20th January 2021

.....
Phillemon Mosby
Mayor
Torres Strait Island Regional Council
20th January 2021



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	January 2021
DATE:	18 January 2021
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Contract – Variation to TSIRC2020-300 - Construction of 4 x 1 Bedroom GEH Units
AUTHOR:	Natasha Nelson – Business Services Accountant – Building Services

Recommendation:

Council resolves to delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to:

1. approve, finalise and execute any and all matters in relation to the variation to the amount of \$289,190.53 inclusive of GST for the GEH Units project on Saibai Island;

and

2. power to make, amend or discharge contract TSIRC2020-300 – Construction of 4 x 1 Bedroom GEH Units;

and

3. 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.

Executive Summary:

Following a tender process in May 2020, Council endorsed the award of the contract for construction of 4 x 1 bedroom GEH units to Strategic Builders at the June 2020 Ordinary Meeting. Work on the project commenced in August 2020. In December 2020, a variation amount was due to Strategic Builders and given the value of the variation, delegation is sought from Council for payment of this variation

Background:

This project is a project commissioned by the Queensland Government through Department of Communities, Housing and Digital Economy and QBuild.

The original tender to QBuild for Council to do the work was lodged on the 26 September 2018.

Council was awarded the project under General conditions of contract AS2124-1992 and Special Conditions of Contract and Annexure 17, December 2018 version.

Revised specifications with changed footing options were issued in June 2019 and Council provided a revised price to QBuild on 10 December 2019. This price revision was accepted by QBuild in February 2020.

Council conducted a tender process to subcontract this project in May 2020. The tender was awarded to Strategic Builders at the June 2020 Council meeting. The site was mobilised and works commenced in August 2020.

During the installation of the screw pile footings being laid for the GEH Units, latent conditions were found across the site. These conditions enacted a variation to the extent of works, with QBuild and the Department of Housing & Public Works representative being notified.

A signed, unquantified costing; variation 008 was issued to Council on 28 September 2020. The description of the variation was to change the length of screw piles to achieve required torque (unquantified cost – due to the number of unknown parameters).

QBuild issued a signed blank variation approval, from the then acting Superintendent's Representative due to the unknown quantities and additional works needed to meet engineering requirements.

Strategic Builders enacted processes to mitigate delay and blow out in cost and completed the required works with Form 15 in a timely manner. All the screw piles have been installed and piling torque pressures supplied to Council, who in turn supplied to QBuild.

The amount claimed by Strategic Builders is for the screw pile extension works for \$219,890.53 inclusive of GST and the extension of time for delay of \$69,300 inclusive of GST. Given these are related, they are to be treated as such, therefore together they amount to \$289,190.53 inclusive of GST.

Risk Management

Reputational

One of Council's values is accountability, which is achieved by being transparent, honest and ethical to the benefit of the community. A reputational risk exists should Council not pay the variation. By ensuring variations payments are made in a timely manner and within the requirements of the *Building Industry Fairness (Security of Payment) Act 2017* Council maintains trust amongst stakeholders and the community.

Legal

The security of payment in the building and construction industry is a priority for the Queensland Government. In accordance with the *Building Industry Fairness (Security of Payment) Act 2017*, Council has a responsibility to pay its subcontractors for works performed. Consequences of not making payment include temporary suspension of works and possible legal action.

Financial

There is a future financial risk to Council should the variation payment not be made. Contract TSIRC2020-300 accounts for approximately 20% of revenue to the Building Services Unit per the 2020/21 financial year budget review. The loss of trust amongst stakeholders may result in Council not being able to secure future building works that contribute greatly to Council's financial sustainability.

It is not considered that there is additional risk regarding the recoverability of costs from QBuild. The strong relationship and steady communications with the Principal indicate a positive outcome which is expected to be known in coming days.

Consultation:

- Building Services Unit (internal)
- Financial Services (internal)
- MacDonnells Law (external)

Links to Strategic Plans:

Corporate Plan 2020-2025

Strategic Delivery Pillars – People, Sustainability, Prosperity

Statutory Requirements:

Local Government Act 2009

Local Government Regulation 2012

Building Industry Fairness Act 2017

Conclusion:

Council resolves to delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to:

1. approve, finalise and execute any and all matters in relation to the variation to the amount of \$289,190.53 inclusive of GST for the GEH Units project on Saibai Island;

and

2. power to make, amend or discharge contract TSIRC2020-300 – Construction of 4 x 1 Bedroom GEH Units;

and

3. 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.

Endorsed:

Peter Jacques

Peter Jacques
Position - Head of Building

Recommended:



Ilario Sabatino
Position - Chief Operations Officer



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	January 2021
DATE:	20/01/2021
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Proposed Local Law and Fees and Charges Amendments For Waste Management Measures
AUTHOR:	Lachlan Attard Waste & Sustainability Engineer

RESOLUTION

Pursuant to Section 28(1) of the *Local Government Act 2009* (Qld), Council resolve to:

1. Amend *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019*; and
2. Amend the *Register of Fees and Charges 2020-21*.

EXECUTIVE SUMMARY

This report recommends that Council ceases accepting construction waste at all fifteen waste management facilities through amendments to Local Laws and the Register of Fees and Charges.

The proposed amendments will prohibit TSIRC's acceptance of construction waste, except in exceptional circumstances, and then only with the prior approval from the CEO and for a determined fee.

Council's landfills and waste stockpiling areas are lacking in appropriate resources including appropriate heavy plant, waste management infrastructure, dedicated waste management staffing and staffing amenities, are subject to multiple environmental and compliance challenges and legacy issues, and are often sited in inappropriate locations. To transition to a sustainable waste management model, Council must extend the life of its existing sites, reduce the operational burden on maintaining such sites, and work towards addressing compliance issues through critical waste reduction measures.

PURPOSE

This report proposes amendments to Council's Subordinate Local Law No. 4 and the Register of Fees and Charges to cease disposal of construction waste in TSIRC's local government area, as a critical first step to addressing landfill management issues and working towards an acceptable long term waste management strategy.

BACKGROUND

1. TSIRC's landfills and solid waste stockpiling areas face significant challenges in achieving compliance with Environmental Authority (EA) conditions and acceptable minimum site management standards;

TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

2. These challenges are due to issues including:
 - a. Limited available space;
 - b. Unsuitability of existing sites and lack of readily available and adequate future sites (e.g. inundation risk to landfills, high water tables and access road inundation);
 - c. Lack of adequate earth-moving plant for fifteen separate facilities;
 - d. Lack of suitable and available lining and capping materials (i.e. clay), and resources required to import such materials;
 - e. Inherited and ongoing legacy stockpiling and environmental issues;
 - f. Lack of dedicated personnel resources to manage landfill sites and enforce waste management regulations;
 - g. Lack of personnel training;
 - h. Regional biosecurity restrictions and the costs and complexities these add.
3. In 2018, audits across each of TSIRC's 15 landfill sites detailed numerous non-compliances, and provided recommendations to address legacy issues and work towards compliance with the majority of EA conditions. Such recommendations are not actionable under current funding and resources constraints;
4. Estimates based on the above audits found all fifteen landfills had essentially exhausted their useful lifespans, with many operating past their practical life;
5. The consistent inability to manage and improve fifteen separate landfill facilities within such constraints has led TSIRC Engineering Services to pursue new waste management policies. In the short term, this means reducing large waste inputs to existing landfill sites to prolong lifespans, avoid creating new sites, provide greater opportunity for personnel to manage existing sites, and allow time to develop new innovative waste management approaches;
6. Construction waste (which includes demolition waste) is identified as a major waste volume contributor to TSIRC's landfills. Accepting such waste, either in bulk loads or small loads accumulating over a length of time, leads to:
 - a. Site staff being unable to regulate and manage regular waste drop-offs;
 - b. Handling and management practices not compliant with existing EAs; and
 - c. Council being left with extremely large, unmanageable stockpiles of metal and other wastes, for which there is no long-term strategy or funding for removal.
7. TSIRC's Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019 provides Council with the power to regulate various activities, including waste management;
8. TSIRC's Register of Fees and Charges details the current commercial charges for waste disposal. These charges are currently not intended, nor sufficient to cover the removal of solid wastes or undertaking compliant operations; and
9. Historically and in the present, TSIRC has not had the resources or ability to regulate waste disposal charges or enforce dumping restrictions, thus resulting in many external departments, service providers and contractors having the opportunity to dispose of construction waste free of charge.



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

PROPOSAL

To cease the disposal of construction waste in TSIRC's landfill facilities, through changes to Subordinate Local Law No. 4 and the Register of Fees and Charges.

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

Proposed amendment: *Schedule 2* (refer Attachment 2)

Add 'definitions' (Line 12), amend 'restricted activities' (Line 7 Paragraphs 1 – 3), add 'restricted activities' (Lines 8 and 9):

12 Definitions

Waste: has the meaning assigned to that term in the *Waste Reduction and Recycling Act 2011 (Qld)*, which refers to Section 13 of the Environmental Protection Act.

Construction work: has the meaning assigned to that term in Section 65 of the *Building Industry Fairness (Security of Payment) Act 2017 (Qld)*.

Construction waste: Any waste from construction work.

Commercial waste: Any waste from the normal operation of a business or enterprise.

Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
(7) All local government controlled areas and roads	Disposal or storage of <u>domestic / household</u> waste.	<p>For domestic / household waste: Permitted only in designated area(s) at designated local government waste management facilities.</p> <p>For government / commercial waste: permitted only in designated area(s) at designated local government waste management facilities and upon payment of the prescribed fee or where disposal has been agreed to by the Chief Executive Officer or delegate.</p> <p>Gas cylinders, fire extinguishers, flammable substances, hazardous chemicals and asbestos may not be stored or disposed of at any local government waste management facility.*</p>
(8) All local government controlled areas and roads	Disposal or storage of commercial and construction waste	Permitted only in designated area(s) at designated local government waste management facilities, upon agreement in writing with the Chief Executive Officer or delegate that the waste will be accepted for disposal and upon payment of a fee prescribed by the Chief Executive Officer or delegate.

TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

		<p>The Local Government reserves the right to refuse acceptance of any and all waste at its facilities.</p> <p>If a person intends to transfer ownership to another person of construction waste located in the local government area, prior agreement in writing with the Chief Executive Officer or delegate must be granted.</p>
(9)** All local government controlled areas and roads	Temporary storage of construction waste	Permitted only by agreement in writing with the Chief Executive Officer or delegate, where an acceptable reuse or off-island disposal option has been identified, including timeframe for use.

*Note: Disposal of these items already appears as a Schedule 1 'prohibited activity', and therefore does not need to appear as a 'restricted activity' in this section.

**Note: Existing Line 8 renumbered to Line 10 (not shown).

Register of Fees and Charges 2020-21

Proposed amendment: *Other Charges: Waste Management* (refer Attachment 4)

Remove Line Items:

Description	Unit	GST	Rate inc GST	Min. or Surch.	Cost Recovery Fee (Y or N)	LGA s97 Paragraph	Legislation
Commercial—rubbish disposal < 10 cubic metres	Cubic metre	Y	520.00		N		262(3)(c)
Commercial—rubbish disposal = or > 10 cubic metres	Cubic Metre	Y	POA		N		262(3)(c)
General Waste from IBIS or equivalent food providers excluded							
Domestic Garbage & Green Waste	Cubic Metre	Y	10.40		N		262(3)(c)

TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

Add Line Items:

Description	Unit	GST	Rate inc GST	Min. or Surch.	Cost Recovery Fee (Y or N)	LGA s97 Paragraph	Legislation
Construction waste disposal prohibited unless prior approval is granted by CEO or delegate Note: a disposal approval and associated fee will only be granted in exceptional circumstances	Cubic Metre	Y	POA		N		262(3)(c)
Commercial waste (in addition to standard property bin collection) Note: Council reserves the right not to issue a disposal approval.	Cubic Metre	Y	POA		N		262(3)(c)
Domestic and waste including green waste (in addition to standard residential property bin collection and excluding construction and commercial waste)	Cubic Metre	Y	10.40		N		262(3)(c)

Implementation

TSIRC's Engineering Services Department and Legal Services Team have already engaged in several ways to limit waste inputs to TSIRC's landfills. This includes:

- Including conditions on all projects that require Development Approvals (DAs) and lease agreements, requiring removal of waste generated;
- Liaising with critical service providers in the region to adopt waste removal policies on their construction, maintenance and operating projects (e.g. Ergon, Telstra and the Torres and Cape Hospital and Health Service);
- Working closely with the Department of Agriculture, Water and Environment to develop biosecurity processes and remove impediments to waste removal;
- Planning and costing removal of construction waste generated on projects undertaken by the TSIRC Civil Crew and Capital Works team; and
- Liaising with food providers to adopt waste removal policies on their projects and for freight packaging disposal (i.e. Community Enterprise Queensland (IBIS)).

In addition, in the 2020/21 Financial Year, the waste acceptance and associated internal charge to TSIRC's Building Services Unit (BSU) was removed with the understanding that construction waste would no longer be disposed at TSIRC facilities.

Recognising that TSIRC internal departments, external agencies, service providers and funders may require adjustment time, the following implementation timeline is proposed.

TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

Action	Date	Comments	Outcome
Local Laws and Register of Fees and Charges revised for implementation on 01 Jul 21	Jan 2021	Revisions as outlined in this report	- Existing Local Laws and Register of Fees and Charges apply until Jul 2021
Information and Adjustment period	Jan – Jun 2021	Waste generators reminded of existing Register of Fees and Charges for waste disposal, and encouraged to remove waste wherever possible	<ul style="list-style-type: none"> - TSIRC, external agencies and funders to cost off-island waste removal into future projects - TSIRC and external agencies to develop processes to remove construction waste - TSIRC work groups and external agencies to make every effort to remove waste - Waste monitored and fees collected where applicable
Full implementation and enforcement of construction waste removal. Amended Local Laws and Register of Fees and Charges comes into effect 01 Jul 21	Jul 2021	Reinforced by increased awareness by TSIRC staff, greater enforcement, fines etc	<ul style="list-style-type: none"> - TSIRC and external agencies to remove all generated construction waste as per local laws - Waste monitored and fees collected where applicable

OFFICER COMMENTS

TSIRC's waste management facilities face significant EA compliance challenges, are insufficiently constructed in unsuitable locations, and are inadequately resourced for management or dealing with large, accumulating waste stockpiles.

Ceasing the acceptance of construction waste is not a temporary measure. It is an initial step in implementing a long term waste management strategy. Such a restriction would still exist alongside any future strategy.

In the short term, implementing an ongoing restriction on disposal of construction waste in all TSIRC divisions will:

- Allow on-site Council Officers to follow a uniform approach to dealing with construction waste, rather than permitting confusing exemptions;
- Allow TSIRC work groups, external agencies, service providers and contractors to follow a simple, consistent approach to managing their waste generation, rather than navigating confusing exemptions;
- Permit Engineering Services to better manage and prolong use of its existing facilities;



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

- Enable Engineering Services space to pursue innovative waste management strategies, including the eventual closure of most, if not all, landfill sites in the future.

CONSIDERATIONS

Risk Management

The proposed amendments work towards reducing risk to Council by:

- Improving the ability to manage our existing waste management facilities;
- Extending the useable life of existing facilities while strategies are developed;
- Improving compliance objectives under the EAs; and
- Reducing stockpile accumulation causing increased environmental and health risks.

The proposed amendments allow Council greater ability to control and manage the large volumes of waste generated in the region.

Council Finance

Capital Cost

Ceasing to accept construction waste will reduce capital costs by reducing the future funding Council needs for legacy stockpile clean-up. For internal work groups, construction waste disposal must be factored into project budgets, and this requirement communicated to funders noting that waste disposal fees and charges currently exist, albeit are rarely collected due to Council's lack of enforcement capability, particularly in that Council's landfill facilities are unstaffed and therefore open for unregulated access by contractors.

Operating Cost

Ceasing to accept construction waste will reduce operating and maintenance costs. For internal work groups, removal of maintenance and operational waste generated must be factored into operating budgets.

Corporate and Operational Plans

Corporate Plan

Outcome 9: We actively reduce our environmental footprint and manage our resources sustainably.

Objectives	Key Deliverables
Evolve waste management through recycling and reuse strategies.	<ul style="list-style-type: none"> - Coordinate waste management activities through landfill, transfer station and recycling opportunities. - Facilitate regional clean-up and investigate long-term solutions for bulk waste, car bodies and whitegoods.

Operational Plan

Ceasing to accept construction waste will reduce the need to seek significant capital funds to execute future and ongoing 'clean-up' projections such as the metal waste legacy stockpile removal project.

No.	Objective
30.	Quantify & deliver Metal Waste & Clean Up project



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

2020 Deputation Priority Areas

These policy changes are a key TSIRC contribution towards 2020 Deputation Priority Area Ten – Regional Waste Management Solutions, seeking to:

- a. Address widespread legacy waste management issues, including management of historical landfills, stockpiling and environmental concerns.
- b. Implement and operate complex, adaptable ongoing waste management solutions as identified in the Queensland Indigenous Waste Strategy and other planning exercises, including the identification of long term, cost-effective regional landfill solutions, treatment, logistics, recycling and disposal operations.
- c. Reduce waste generation and landfill inputs by pursuing innovative and imaginative sustainability and circular economy initiatives, including in packaging and freight, local transport options, energy generation and material reuse

Diverting construction waste from landfill is a key assumption of the work being undertaken for the Queensland Indigenous Waste Strategy (pending release), and a recommendation from previous strategies and reports.

CONSULTATION

Councillors
Executive
TSIRC Engineering
TSIRC Environment & Health

Manager Legal Services
TSIRC Building Services Unit
Department of Environment & Science

CONCLUSION

TSIRC's current on-island waste management facilities and practices result in significant challenges in meeting existing Environmental Authority obligations. Engineering Services staff attempt to manage landfill and stockpile facilities that are unsuitable in location, size and construction with limited personnel and insufficient heavy plant, resulting in TSIRC falling well short of best practice minimum standards.

Ceasing to accept construction waste at TSIRC's landfills will extend their operational life, allow on-site staff to better manage their facilities and result in a first step being taken in the implementation of a sustainable, long-term waste management strategy.



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

AUTHOR(S)

Lachlan Attard

Waste & Sustainability Engineer

MANAGER

David Baldwin

Chief Engineer

CEO

Hollie Faithfull

Acting Chief Executive Officer



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ATTACHMENTS

1. Current Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019
2. Proposed amended Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019
3. Current Register of Fees and Charges 2020-21
4. Proposed Register of Fees and Charges 2020-21
5. Definitions

ATTACHMENT 1

Torres Strait Island Regional Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019

Contents

Part 1	Preliminary.....	2
	1 Short title.....	2
	2 Purpose and how it is to be achieved.....	2
	3 Authorising local law	2
	4 Definitions	2
Part 2	Use of local government controlled areas, facilities and roads.....	2
	5 Prohibited and restricted activities—Authorising local law, s 5(1)	2
	6 Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b)	3
	7 Prohibited vehicles—Authorising local law, s 6(3)	3
	8 Opening hours for local government controlled areas—Authorising local law, s 7(1)	3
	9 Permanent closure of local government controlled area—Authorising local law, s 8(3)	3
Part 3	Matters affecting roads.....	3
	10 Notice requiring owner of land adjoining road to fence land—Authorising local law, s 9(3)	3
Part 4	Repeal Provision	4
	11 Repeal of Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011	4
Schedule 1	Prohibited activities for local government controlled areas or roads 5	
Schedule 2	Restricted activities for local government controlled areas or roads 7	
Schedule 3	Motor vehicle access areas in local government controlled areas	11
Schedule 4	Opening hours for local government controlled areas.....	12
Schedule 5	Permanent closure of local government controlled areas	13

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2010* in order to protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads and preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads.
- (2) The purpose is to be achieved by providing for—
 - (a) the regulation of access to local government controlled areas; and
 - (b) the prohibition or restriction of particular activities in local government controlled areas or roads.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2010* (the *authorising local law*).

4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

Part 2 Use of local government controlled areas, facilities and roads

5 Prohibited and restricted activities—Authorising local law, s 5(1)

- (1) For section 5(1)(a) of the authorising local law, the activities prescribed in column 2 of schedule 1 are declared to be prohibited in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 1.
- (2) For section 5(1)(b) of the authorising local law, the activities prescribed in column 2 of schedule 2 are declared to be restricted in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 2, to the extent described in column 3 of schedule 2.

6 Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b)

For section 6(1)(b) of the authorising local law, the areas prescribed in column 1 of schedule 3 are declared to be motor vehicle access areas.

7 Prohibited vehicles—Authorising local law, s 6(3)

For section 6(3) of the authorising local law, the specific types of motor vehicle prescribed in column 2 of schedule 3 are declared to be prohibited vehicles in the corresponding specified motor vehicle access area in column 1 of schedule 3.

8 Opening hours for local government controlled areas—Authorising local law, s 7(1)

For section 7(1) of the authorising local law, the times prescribed in column 2 of schedule 4 are declared to be the opening hours for the local government controlled areas mentioned in column 1 of schedule 4.

9 Permanent closure of local government controlled area—Authorising local law, s 8(3)

For section 8(3) of the authorising local law, the local government controlled areas described in schedule 5 are permanently closed to public access.

Part 3 Matters affecting roads

10 Notice requiring owner of land adjoining road to fence land—Authorising local law, s 9(3)

For section 9(3) of the authorising local law, the minimum standards for a fence that is the subject of a compliance notice under section 9(2) of the authorising local law are as follows—

- (a) the fence must be of adequate strength for the purposes of restraining the types of animal contained in the area adjacent to the fence, with particular reference to enclosure requirements contained in *Subordinate Local Law No. 2 (Animal Management) 2014*.

Part 4 Repeal Provision

11 Repeal of Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011 is repealed.

Schedule 1 Prohibited activities for local government controlled areas or roads

Section 5(1)

	Column 1 Local government controlled area or road	Column 2 Prohibited activity
1	All local government controlled areas and roads.	<ol style="list-style-type: none"> 1. Breaking, destroying, damaging, defacing, disfiguring, or writing upon any structure or any notice, whether intentionally or unintentionally; or 2. Causing an offensive liquid, sediment or substance to be discharged onto an area or road; or 3. Obstructing, interfering with or impeding operation of or access to the local government controlled area or road. 4. Disposing of turtle and dugong waste. 5. Disposing of gas cylinders, fire extinguishers, flammable substances, hazardous chemicals or asbestos.
2	All Local Government Controlled Areas and roads	Obstructing, interfering with or impeding a funeral or commemorative service lawfully conducted in a local government area.
3	Parks within the local government area	<ol style="list-style-type: none"> 1. Damaging or interfering with vegetation; or 2. Acting in a manner that may cause offence or negatively affect the enjoyment of the park by other persons.
4	Caravan Parks within the local government area	<ol style="list-style-type: none"> 1. Disposing of liquid waste other than in a drainage point provided for that purpose; or 2. Disposing of refuse other than in a container provided for that purpose; or

		3. Using facilities in a way that makes them unclean or unsanitary.
5	At jetties, boat ramps and barge landings in the local government area	<ol style="list-style-type: none"> 1. Obstructing or impeding vessels or vehicular or pedestrian traffic accessing the jetty, boat ramp or barge landings. 2. Extinguishing, diminishing or increasing any light illuminating the jetty, boat ramp or barge landings; or 3. slaughtering, “gutting”, cleaning or scaling aquatic life, including turtle, fish, dugong, etc.
6	Public place	<ol style="list-style-type: none"> 1. slaughtering, “gutting”, cleaning or scaling aquatic life, including turtle, fish, dugong, etc.
7	Airports and Aerodromes	<ol style="list-style-type: none"> 1. Entering any part of the airport that has been closed to access by an authorised person; or 2. Using the facilities other than for the purpose and in a manner for which they were constructed or provided; or 3. engaging in conduct that: - <ol style="list-style-type: none"> (a) could cause annoyance, disturbance or offence to others; (b) could obstruct or unreasonably interfere with the rights of use of others; or (c) creates a risk to the safety of others.
8	All bridges and culverts	<ol style="list-style-type: none"> 1. Diving, jumping or causing any person or object to fall or be projected into waters surrounding the bridge or culvert; or 2. Entering a culvert for any purpose.

Schedule 2 Restricted activities for local government controlled areas or roads

Section 5(2)

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
1	All local government controlled areas and roads	The washing or cleaning, painting, repairing, alteration or maintenance of vehicles on a road.	Permitted only if the vehicle is temporarily disabled with a minor fault and the driver of the vehicle stops for no longer than is necessary for the performance of maintenance work limited to the minimum necessary to allow the vehicle to be moved from the road.
2	All local government controlled areas and roads	Lighting and maintaining a fire	Permitted only where the fire is: - (a) part of a traditional cooking technique and managed so as to ensure non-escape of fire; or (b) associated with a public safety or environmental objective; or (c) in a designated fire place provided by the local government; or (d) authorised under the <i>Fire and Rescue Service Act 1990</i> (Qld); or (e) authorised by an authorised person; or (f) authorised under a condition of an

			approval under <i>Local Law No. 1 (Administration) 2010.</i>
3	Parks or Reserves within the local government area	Bringing animals into the Park or Reserve.	Permitted only with the written authorisation of the Chief Executive Officer or as otherwise authorised by other local law or subordinate local law.
4	Cemeteries within the local government area	<ol style="list-style-type: none">1. Digging or preparing a grave.2. Damaging or inappropriately interfering with a grave, memorial or with flowers or tokens on a grave or memorial.	<ol style="list-style-type: none">1. Permitted only with the written authorisation of an authorised person.2. Interference with a grave or memorial is permitted after burial, for the purpose of addressing subsistence and permanently setting the grave or memorial, in accordance with Ailan Kastom.
5	At jetties and boat ramps in the local government area	<ol style="list-style-type: none">1. Berthing or mooring any vessel larger than 6 meters by any means to a jetty or boat ramp in the local government area; or2. Berthing or mooring any vessel by any means to a jetty or boat ramp in a “No Standing Zone” designated by the local government.	Permitted only with the written authorisation of the Chief Executive Officer
6	Any local government controlled area used for the conveyance or storage of water	Placing an object that obstructs or is likely to obstruct the natural flow of water.	Permitted only where authorised by an authorised person.
7	All local government controlled areas and roads	Disposal or storage of waste.	For domestic / household waste: permitted only in designated area(s) at designated local

		<p>government waste management facilities.</p> <p>For government / commercial waste: permitted only in designated area(s) at designated local government waste management facilities and upon payment of the prescribed fee or where disposal has been agreed to by the Chief Executive Officer or delegate.</p> <p>Gas cylinders, fire extinguishers, flammable substances, hazardous chemicals and asbestos may not be stored or disposed of at any local government waste management facility.</p>
8	All local government controlled areas and roads	<p>Landing of rotary wing aircraft, such as helicopters</p> <p>Landing is permitted in designated helicopter landing areas only (airports and helipads approved in writing by the Chief Executive Officer or delegate), unless a genuine emergency exists.</p> <p>Genuine emergencies include:</p> <ul style="list-style-type: none"> • Emergency Service Operations • Emergency provision for essential public utilities and services • Disaster Management Responses • Responses to water and wastewater incidents and issues that have an immediate effect on public health

		<ul style="list-style-type: none">• Ergon Energy dealing with a major power outage• Medical evacuations• Responses relating to Law and Order
--	--	--

Schedule 3 Motor vehicle access areas in local government controlled areas

Sections 6 and 7

Intentionally left blank

Schedule 4 Opening hours for local government controlled areas

Section 8

A person must not enter or remain in a **local government waste management facility** outside the hours of 9am to 4pm business days, or such opening hours as otherwise stated on the notice at the public entrance to the facility, unless the person is authorised to do so by the Chief Executive Officer.

Schedule 5 Permanent closure of local government controlled areas

Section 9

Intentionally left blank

ATTACHMENT 2

Torres Strait Island Regional Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019

Contents

Part 1	Preliminary.....	2
	1 Short title.....	2
	2 Purpose and how it is to be achieved.....	2
	3 Authorising local law	2
	4 Definitions	2
Part 2	Use of local government controlled areas, facilities and roads.....	2
	5 Prohibited and restricted activities—Authorising local law, s 5(1)	2
	6 Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b).....	3
	7 Prohibited vehicles—Authorising local law, s 6(3).....	3
	8 Opening hours for local government controlled areas—Authorising local law, s 7(1).....	3
	9 Permanent closure of local government controlled area—Authorising local law, s 8(3).....	3
Part 3	Matters affecting roads.....	3
	10 Notice requiring owner of land adjoining road to fence land—Authorising local law, s 9(3)	3
Part 4	Repeal Provision	4
	11 Repeal of Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011	4
Schedule 1	Prohibited activities for local government controlled areas or roads 5	
Schedule 2	Restricted activities for local government controlled areas or roads 7	
Schedule 3	Motor vehicle access areas in local government controlled areas	
	<u>1211</u>	
Schedule 4	Opening hours for local government controlled areas.....	<u>1312</u>
Schedule 5	Permanent closure of local government controlled areas	<u>1413</u>

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2010* in order to protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads and preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads.
- (2) The purpose is to be achieved by providing for—
 - (a) the regulation of access to local government controlled areas; and
 - (b) the prohibition or restriction of particular activities in local government controlled areas or roads.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2010* (the *authorising local law*).

4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

Part 2 Use of local government controlled areas, facilities and roads

5 Prohibited and restricted activities—Authorising local law, s 5(1)

- (1) For section 5(1)(a) of the authorising local law, the activities prescribed in column 2 of schedule 1 are declared to be prohibited in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 1.
- (2) For section 5(1)(b) of the authorising local law, the activities prescribed in column 2 of schedule 2 are declared to be restricted in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 2, to the extent described in column 3 of schedule 2.

6 Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b)

For section 6(1)(b) of the authorising local law, the areas prescribed in column 1 of schedule 3 are declared to be motor vehicle access areas.

7 Prohibited vehicles—Authorising local law, s 6(3)

For section 6(3) of the authorising local law, the specific types of motor vehicle prescribed in column 2 of schedule 3 are declared to be prohibited vehicles in the corresponding specified motor vehicle access area in column 1 of schedule 3.

8 Opening hours for local government controlled areas—Authorising local law, s 7(1)

For section 7(1) of the authorising local law, the times prescribed in column 2 of schedule 4 are declared to be the opening hours for the local government controlled areas mentioned in column 1 of schedule 4.

9 Permanent closure of local government controlled area—Authorising local law, s 8(3)

For section 8(3) of the authorising local law, the local government controlled areas described in schedule 5 are permanently closed to public access.

Part 3 Matters affecting roads

10 Notice requiring owner of land adjoining road to fence land—Authorising local law, s 9(3)

For section 9(3) of the authorising local law, the minimum standards for a fence that is the subject of a compliance notice under section 9(2) of the authorising local law are as follows—

- (a) the fence must be of adequate strength for the purposes of restraining the types of animal contained in the area adjacent to the fence, with particular reference to enclosure requirements contained in *Subordinate Local Law No. 2 (Animal Management) 2014*.

Part 4 Repeal Provision

11 Repeal of Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011 is repealed.

PROPOSED

Schedule 1 Prohibited activities for local government controlled areas or roads

Section 5(1)

	Column 1 Local government controlled area or road	Column 2 Prohibited activity
1	All local government controlled areas and roads.	<ol style="list-style-type: none"> 1. Breaking, destroying, damaging, defacing, disfiguring, or writing upon any structure or any notice, whether intentionally or unintentionally; or 2. Causing an offensive liquid, sediment or substance to be discharged onto an area or road; or 3. Obstructing, interfering with or impeding operation of or access to the local government controlled area or road. 4. Disposing of turtle and dugong waste. 5. Disposing of gas cylinders, fire extinguishers, flammable substances, hazardous chemicals or asbestos.
2	All Local Government Controlled Areas and roads	Obstructing, interfering with or impeding a funeral or commemorative service lawfully conducted in a local government area.
3	Parks within the local government area	<ol style="list-style-type: none"> 1. Damaging or interfering with vegetation; or 2. Acting in a manner that may cause offence or negatively affect the enjoyment of the park by other persons.
4	Caravan Parks within the local government area	<ol style="list-style-type: none"> 1. Disposing of liquid waste other than in a drainage point provided for that purpose; or 2. Disposing of refuse other than in a container provided for that purpose; or

		3. Using facilities in a way that makes them unclean or unsanitary.
5	At jetties, boat ramps and barge landings in the local government area	<ol style="list-style-type: none"> 1. Obstructing or impeding vessels or vehicular or pedestrian traffic accessing the jetty, boat ramp or barge landings. 2. Extinguishing, diminishing or increasing any light illuminating the jetty, boat ramp or barge landings; or 3. slaughtering, "gutting", cleaning or scaling aquatic life, including turtle, fish, dugong, etc.
6	Public place	<ol style="list-style-type: none"> 1. slaughtering, "gutting", cleaning or scaling aquatic life, including turtle, fish, dugong, etc.
7	Airports and Aerodromes	<ol style="list-style-type: none"> 1. Entering any part of the airport that has been closed to access by an authorised person; or 2. Using the facilities other than for the purpose and in a manner for which they were constructed or provided; or 3. engaging in conduct that: - <ol style="list-style-type: none"> (a) could cause annoyance, disturbance or offence to others; (b) could obstruct or unreasonably interfere with the rights of use of others; or (c) creates a risk to the safety of others.
8	All bridges and culverts	<ol style="list-style-type: none"> 1. Diving, jumping or causing any person or object to fall or be projected into waters surrounding the bridge or culvert; or 2. Entering a culvert for any purpose.

Schedule 2 Restricted activities for local government controlled areas or roads

Section 5(2)

12 Definitions

Waste: has the meaning assigned to that term in the Waste Reduction and Recycling Act 2011 (Qld), which refers to Section 13 of the Environmental Protection Act.

Construction work: has the meaning assigned to that term in Section 65 of the Building Industry Fairness (Security of Payment) Act 2017 (Qld).

Construction waste: Any waste from construction work.

Commercial waste: Any waste from the normal operation of a business or enterprise.

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
1	All local government controlled areas and roads	The washing or cleaning, painting, repairing, alteration or maintenance of vehicles on a road.	Permitted only if the vehicle is temporarily disabled with a minor fault and the driver of the vehicle stops for no longer than is necessary for the performance of maintenance work limited to the minimum necessary to allow the vehicle to be moved from the road.
2	All local government controlled areas and roads	Lighting and maintaining a fire	Permitted only where the fire is: - (a) part of a traditional cooking technique and managed so as to ensure non-escape of fire; or (b) associated with a public safety or environmental objective; or

		<p>(c) in a designated fire place provided by the local government; or</p> <p>(d) authorised under the <i>Fire and Rescue Service Act 1990</i> (Qld); or</p> <p>(e) authorised by an authorised person; or</p> <p>(f) authorised under a condition of an approval under <i>Local Law No. 1 (Administration) 2010</i>.</p>
3	Parks or Reserves within the local government area	<p>Bringing animals into the Park or Reserve.</p> <p>Permitted only with the written authorisation of the Chief Executive Officer or as otherwise authorised by other local law or subordinate local law.</p>
4	Cemeteries within the local government area	<p>1. Digging or preparing a grave.</p> <p>2. Damaging or inappropriately interfering with a grave, memorial or with flowers or tokens on a grave or memorial.</p> <p>1. Permitted only with the written authorisation of an authorised person.</p> <p>2. Interference with a grave or memorial is permitted after burial, for the purpose of addressing subsistence and permanently setting the grave or memorial, in accordance with Ailan Kastom.</p>
5	At jetties and boat ramps in the local government area	<p>1. Berthing or mooring any vessel larger than 6 meters by any means to a jetty or boat ramp in the local government area; or</p> <p>2. Berthing or mooring any vessel by any</p> <p>Permitted only with the written authorisation of the Chief Executive Officer</p>

		means to a jetty or boat ramp in a "No Standing Zone" designated by the local government.	
6	Any local government controlled area used for the conveyance or storage of water	Placing an object that obstructs or is likely to obstruct the natural flow of water.	Permitted only where authorised by an authorised person.
7	All local government controlled areas and roads	Disposal or storage of <u>domestic / household</u> waste.	<p>For domestic / household waste: permitted only in designated area(s) at designated local government waste management facilities.</p> <p>For government / commercial waste: permitted only in designated area(s) at designated local government waste management facilities and upon payment of the prescribed fee or where disposal has been agreed to by the Chief Executive Officer or delegate.</p> <p>Gas cylinders, fire extinguishers, flammable substances, hazardous chemicals and asbestos may not be stored or disposed of at any local government waste management facility.</p>
8	<u>All local government controlled areas and roads</u>	<u>Disposal or storage of commercial and construction waste</u>	<u>Permitted only in designated area(s) at designated local government waste management facilities, upon agreement in writing with the Chief Executive Officer or delegate that the waste will be accepted for disposal and upon</u>

		<p><u>payment of a fee prescribed by the Chief Executive Officer or delegate. The Local Government reserves the right to refuse acceptance of any and all waste at its facilities.</u></p> <p><u>If a person intends to transfer ownership to another person of construction waste located in the local government area, prior agreement in writing with the Chief Executive Officer or delegate must be granted.</u></p>
<u>9</u>	<u>All local government controlled areas and roads</u>	<p><u>Temporary storage of construction waste</u></p> <p><u>Permitted only by agreement in writing with the Chief Executive Officer or delegate, where an acceptable reuse or off-island disposal option has been identified, including timeframe for use.</u></p>
<u>§10</u>	All local government controlled areas and roads	<p>Landing of rotary wing aircraft, such as helicopters</p> <p>Landing is permitted in designated helicopter landing areas only (airports and helipads approved in writing by the Chief Executive Officer or delegate), unless a genuine emergency exists.</p> <p>Genuine emergencies include:</p> <ul style="list-style-type: none"> • Emergency Service Operations • Emergency provision for essential public utilities and services • Disaster Management Responses • Responses to water and wastewater incidents and issues that have an immediate effect on public health

		<ul style="list-style-type: none">• Ergon Energy dealing with a major power outage• Medical evacuations• Responses relating to Law and Order
--	--	--

PROPOSED

**Schedule 3 Motor vehicle access areas in local
government controlled areas**

Sections 6 and 7

Intentionally left blank

PROPOSED

Schedule 4 Opening hours for local government controlled areas

Section 8

A person must not enter or remain in a **local government waste management facility** outside the hours of 9am to 4pm business days, or such opening hours as otherwise stated on the notice at the public entrance to the facility, unless the person is authorised to do so by the Chief Executive Officer.

PROPOSED

Schedule 5 Permanent closure of local government controlled areas

Section 9

Intentionally left blank

PROPOSED

ATTACHMENT 3

Current Register of Fees and Charges 2020-21 (excerpt only)

Description of Fee, Charge, Penalty plus conditions	Unit	GST	Rate Inc GST	Min. or Surch.	Cost Recovery Fee (Y or N)	LGA s97 Paragraph	Legislation
OTHER CHARGES							
WASTE MANAGEMENT							
Commercial – rubbish disposal < 10 cubic metres	Cubic Metre	Y	520.00		N		262(3)(c)
Commercial – rubbish disposal = or > 10 cubic metres	Cubic Metre	Y	POA		N		262(3)(c)
General Waste from IBIS or equivalent food providers excluded							
Domestic Garbage & Green Waste	Cubic Metre	Y	10.40		N		262(3)(c)

ATTACHMENT 4

Proposed Register of Fees and Charges 2020-21 (excerpt only)

Description of Fee, Charge, Penalty plus conditions	Unit	GST	Rate Inc GST	Min. or Surch.	Cost Recovery Fee (Y or N)	LGA s97 Paragraph	Legislation
OTHER CHARGES							
WASTE MANAGEMENT							
Construction waste disposal prohibited unless prior approval is granted by CEO or delegate Note: a disposal approval and associated fee will only be granted in exceptional circumstances	Cubic Metre	Y	POA		N		262(3)(c)
Commercial waste (in addition to standard property bin collection)	Cubic Metre	Y	POA		N		262(3)(c)
Domestic waste including green waste (in addition to standard property bin collection and excluding construction and commercial waste)	Cubic Metre	Y	10.40		N		262(3)(c)

ATTACHMENT 5

Building Industry Fairness (Security of Payment) Act 2017

Reprint current from 1 October 2020 to date (accessed 17 December 2020 at 9:57)

65 Meaning of *construction work*

- (1) *Construction work* means any of the following work—
- (a) the construction, alteration, repair, restoration, maintenance, extension, demolition or dismantling of buildings or structures, whether permanent or not, forming, or to form, part of land;
 - (b) the construction, alteration, repair, restoration, maintenance, extension, demolition or dismantling of any works forming, or to form, part of land, including walls, roadworks, powerlines, telecommunication apparatus, aircraft runways, docks and harbours, railways, inland waterways, pipelines, reservoirs, water mains, wells, sewers, industrial plant and installations for land drainage or coast protection;
 - (c) the installation in any building, structure or works of fittings forming, or to form, part of land, including heating, lighting, air-conditioning, ventilation, power supply, drainage, sanitation, water supply, fire protection, security and communications systems;
 - (d) the external or internal cleaning of buildings, structures and works, so far as it is carried out in the course of their construction, alteration, repair, restoration, maintenance or extension;
 - (e) any operation that forms an integral part of, or is preparatory to or is for completing, work of the kind referred to in paragraph (a), (b) or (c), including—
 - (i) site clearance, earthmoving, excavation, tunnelling and boring; and
 - (ii) the laying of foundations; and
 - (iii) the erection, maintenance or dismantling of scaffolding; and
 - (iv) the prefabrication of components to form part of any building, structure or works, whether carried out on-site or off-site; and
 - (v) site restoration, landscaping and the provision of roadways and other access works;
 - (f) the painting or decorating of the internal or external surfaces of any building, structure or works;
 - (g) carrying out the testing of soils and road making materials during the construction and maintenance of roads;
 - (h) any other work of a kind prescribed by regulation.
- (2) To remove doubt, it is declared that *construction work* includes building work within the meaning of the [*Queensland Building and Construction Commission Act 1991*](#).
- (3) However, *construction work* does not include any of the following work—
- (a) the drilling for, or extraction of, oil or natural gas;
 - (b) the extraction, whether by underground or surface working, of minerals, including tunnelling or boring, or constructing underground works, for that purpose.

Council Officer Note: The definition of 'waste' in the Waste Reduction and Recycling Act refers to the Environmental Protection Act section 13.

Environmental Protection Act 1994

Reprint current from 4 December 2020 to date (accessed 17 December 2020 at 10:11)

13 Waste

- (1) **Waste** includes any thing, other than an end of waste resource, that is—
- (a) left over, or an unwanted by-product, from an industrial, commercial, domestic or other activity; or
 - (b) surplus to the industrial, commercial, domestic or other activity generating the waste.

Example of paragraph (a)—

Abandoned or discarded material from an activity is left over, or an unwanted by-product, from the activity.

- (2) **Waste** can be a gas, liquid, solid or energy, or a combination of any of them.
- (3) A thing can be waste whether or not it is of value.
- (4) Despite subsection (1), an end of waste resource becomes waste—
- (a) when it is disposed of at a waste disposal site; or
 - (b) if it is deposited at a place in a way that would, apart from its use under an end of waste code or end of waste approval, constitute a contravention of the general littering provision or the illegal dumping of waste provision under that Act—when the depositing starts.

- (5) In this section—

end of waste approval see the [Waste Reduction Act, section 156](#).

end of waste code see the [Waste Reduction Act, section 156](#).

end of waste resource means a resource under the [Waste Reduction Act, section 156](#).

waste disposal site see the [Waste Reduction Act, section 8A](#).

Waste Reduction Act means the [Waste Reduction and Recycling Act 2011](#).



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	January 2021
DATE:	20/01/2021
ITEM:	Agenda Report
SUBJECT:	Proposed Formation of a TSIRC Local Disaster Management Group
AUTHORS:	David Baldwin – Chief Engineer

Recommendation:

Council notes this report

Purpose:

To provide Council with an outline of the main steps and areas of consideration that are being addressed towards the establishment of a stand alone TSIRC Local Disaster Management Group.

Background:

The Disaster Management Act 2003 forms the legislative basis for the Queensland Disaster Management Arrangements (QDMA). The Act makes provision for the establishment of disaster management groups for the State, disaster districts and local government areas.

Local level capability and thus Local Government is recognised as the frontline of disaster management. The Act refers to '*local governments should primarily be responsible for managing events in their local government area*'.

Local Governments typically form Local Disaster Management Groups (LDMGs) and the development of Local Disaster Management Plans (LDMPs).

TSIRC and Torres Shire Council (TSC) in 2012 sought to unite as a joint Local Disaster Management Group. Prior to 2013, there were two LDMGs serving the Torres Strait Islands. Under the Act s31, two or more local governments (the combined Local Government) may, with the approval of the Minister and the district disaster coordinator for the disaster district in which the Local Governments are situated, agree to unite for the purpose of establishing a local group.

In early 2013 the then District Disaster Coordinator advised TSIRC and TSC that, subject to Ministerial approval, the formation of one LDMG was approved. The formation occurred shortly thereafter in April 2013 upon approval by the then Minister for Police and Community Safety.

In May 2020 at the Council Ordinary Meeting, the following resolution minute was recorded:

25. CORPORATE - LDMG Membership

RESOLUTION: Moved: Cr Noah; Second: Cr Trinkoon



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

Council resolves to; 1. endorse the commencement of conversations led by the Mayor, Deputy Mayor and Chief Executive Officer, with the reciprocal representatives of the Torres Shire Council, specifically in regard to a separation from the existing combined Disaster Management Plan. 2. endorse the commencement of conversations led by the Mayor, Deputy Mayor and Chief Executive Officer with the applicable State Government stakeholders regarding endorsement of the proposed separation of the existing combined council Disaster Management Plan.

MOTION CARRIED

This report sets out the administrative process to carry out that resolution.

Proposal:

To separate both Councils from the current single LDMG plan and arrangement, a planned and timed approach will be required to ensure legislative requirements are met, and risks to community and Councils are adequately controlled and mitigated.

Both Councils will be required to partake in the disestablishment of the combined LDMG as currently the governance arrangements and administrative arrangements function as a combined group.

The Act does not specifically provide a mechanism for the disestablishment of a combined local group. However, given TSIRC and TSC sought approval under the Act from the DDC and Minister, it is prudent to seek their engagement and endorsement of any proposed parting of the group and formation of 2 separate LDMGs.

Main Functions requiring consideration:

Membership and Stakeholders

The LDMG, in addition to both Council Mayors and Local Government administrative staff, have numerous external stakeholders that form membership of and/or regularly participate as part of the LDMG. This include entities such as QFES, QFRS, QPS, QAS, DFAT, ABF, CEQ, etc.

The establishment of a separate LDMG will require thorough engagement with key stakeholders to ensure their position on any new group will be maintained as appropriate, and that the governance arrangements are adequately in-place.

Administration and Plans

There are also Community Disaster Management Groups (CDMGs) that have been formed at each of the TSIRC divisions. These have their own plans, membership and governance arrangements.

Documents and plans are made reference to by the LDMG and CDMGs include and overarching Local Disaster Management Plan, Community Disaster Management Plans for each community, and 16 subplans such as the King Tides and Evacuation sub plan.



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

The plans will require revision if a separate LDMG is formed. This will require a considerable amount of work and consultation with key stakeholders and group members.

Assuming the establishment of a separate LDMG will be undertaken by July 2021, administrative requirements under the current combined LDMG arrangements will be necessary to continue under the current arrangement. These include matters such as participating in responding to general disaster related issues and actions, conducting meetings, delegations (Chair roles, proxies, Local Disaster Coordinator and other roles etc), and the Annual Report (due after 30 June each year).

Legislative Requirements

As outlined earlier, Local Government has roles and responsibilities as outlined in the Act. TSIRC will need to ensure that the formation of a standalone LDMG will be undertaken such that it complies with the Act.

Liaison and endorsement requirements to form a separate (new) LDMG will require confirmation from relevant State Agencies, including communication with the relevant Minister.

Local Disaster Coordination Centre

A Local Disaster Coordination Centre (LDCC) is activated as necessary during a disaster/emergency event for the coordination of resources and support, and as a hub for communication and information transfer.

The Torres Strait LDCC is situated in the training room of TSC office on Douglas St, Thursday Island. If Thursday Island is severely impacted by an event that inhibits the function of the Centre, the Cairns Offices of Torres Strait Island Regional Council is currently nominated in the plan to be used until an alternative location is set up within the Torres Strait Region.

The Centre currently hosted at the TSC office has specific infrastructure that can be enabled during an event. This includes computers, phone, fax, HF Radio, SAT Phone, emergency power, security, information displays (white boards, etc), maps, desk space, etc.

The 'readiness' of an alternative Centre other than Douglas Street, whether that be situated at TSIRC offices in the Torres Straits or at Cairns, would need some investigation and preparation. The Cairns option would require less preparation due to infrastructure already in place. In the past a Centre was located at the TSIRC meeting room on TI, and the reestablishment of that Centre is a preferred option to be investigated as a priority, along with other options located on division.

Plan:

Currently a review of legislative requirements and likely administrative and other factors has been undertaken, as broadly outlined above.

The areas that will need to be addressed can be summarised into 3 main categories, these being:



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

- **ENGAGEMENT:** with key stakeholders including LDMG Members, State Agencies, relevant Minister and other stakeholders.
- **ADMINISTRATIVE:** revision of plans, adherence to legislative requirements, interim (current status LDMG) maintaining reporting and function requirements.
- **INFRASTRUCTURE:** plan and equip necessary infrastructure such as a LDCC.

A detailed project plan to form a separate LDMG, including resourcing and timing will be developed. In the meantime, work is being done to identify the key issues as outlined above and to formulate a detailed project plan. Noting that TSC will be a key stakeholder as currently both TSC and TSIRC have a combined plan and group to address disasters and related events, and it is vital that a well planned and executed process is undertaken to ensure capability in disaster management is maintained and legislative requirements are met.

The aim will be to have a separate TSIRC LDMG functioning on or before 1 July 2021.

Risks:

As part of the project planning process, a risk identification workshop and risk management plan will be developed. It is envisaged TSIRC will seek input from key State Government Agencies such as QFES and QFS, along with input from and engagement with TSC.

Budget:

The proposed establishment of a separate LDMG will be undertaken within existing operational budgets, noting however that resource re-allocation will be required given the estimated extent of work that will be required.

The formation of a TSIRC Local Disaster Coordination Centre is likely to require a currently unallocated budget. However, the magnitude expected is not great but will require further investigation.

Corporate and Operational Plans:

- **CORPORATE PLAN:** Outcome 2: Our communities are safe, healthy and active.
- **OPERATIONAL PLAN:** N/A

Pursuant to the Torres Strait Disaster Management Plan, it is Council's vision to have resilient communities with facilities and awareness to manage, where possible, unexpected disastrous events.

Statutory Requirements:

- Disaster Management Act 2003 (QLD)
- Torres Strait Local Disaster Management Plan

Consultation:

- Councillors
- A/CEO and Chief Engineer



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

A handwritten signature in black ink, appearing to read 'David Baldwin', with a long, sweeping horizontal stroke extending to the right.

Endorsed:
David Baldwin
Chief Engineer

A handwritten signature in black ink, appearing to read 'Hollie Faithfull', with a stylized, cursive script.

Recommended:
Hollie Faithfull
A/Chief Executive Officer



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	January 2021
DATE:	20/01/2021
ITEM:	Agenda Report
SUBJECT:	Tidal Gauge Project Update
AUTHORS:	Adeah Kabai – Manager, Capital Works

Recommendation:

Council notes this report

Purpose:

The purpose of this report is to inform Council of the recent project update for the Tidal Gauge Project funded by Torres Strait Authority (TSRA).

Background:

Council have secured funding from TSRA for installation of new Tidal Gauges and maintenance and repair extension of existing tide gauges, to the value of \$822,422.00.

Some tide gauges already exist throughout the Torres Strait, however strong localised tidal effects can cause inaccuracies; additional tide gauges are required for accurate measurements and reporting.

A 5-year maintenance period for both existing and new tide gauges will commence from the installation date.

Proposed Scope of Works

TSRA funding allocation for TSIRC for the Tide Gauge and Sea Level Gauge Operations, Maintenance and Tidal Plane Study.

To provide funding for TSIRC for the following activities:

1. New Tide Gauge Installations (4 Sites)
 - Lite tide gauges to be installed at Boigu, Masig, Poruma and Warraber.
2. Tidal Plane Studies – Existing & New Tide Gauges (11 Sites)
 - Complete studies using longer datasets to determine more accurate tidal planes:
 - i. Tidal plane studies using 12 months of historical data recorded from decommissioned and existing tidal gauges at Boigu (pile), Dauan (decommissioned), Iama, Kubin, St Pauls, Thursday Island and Ugar (7 sites).
 - ii. Tidal plane studies using 3 months of data from new tide gauges at Boigu (dolphin), Masig, Poruma and Warraber (4 sites). The 3-month study is to provide some preliminary information to consultants to use in TSIRC's

Coastal Hazard Adaption Strategy work, prior to completion of the 12-month study.

iii. Tidal plane studies using the full 12 months of data from new tide gauges at Boigu (dolphin), Masig, Poruma and Warraber (4 sites).

3. Five Year Storm Tide Gauge Maintenance Contract

- Five Year storm tide maintenance contract with DES.

4. Replacement of lama & Kubin Dolphin Ladders

5. TSIRC Allowance for Management of the Tide Gauges.

- Five years for TSIRC to manage the Storm Tide Gauge Maintenance Contract.

COMMENT

The new tide gauges were recently installed by DES at 4 sites (Boigu, Masig, Poruma & Warraber). 12-month tidal plane studies are now underway, with results to be provided in due course.

DES have commented in their report that marine users have been tying up boats and cray pots to the tide gauges which result in bad data being recorded. The project manager will work with the Communications department to send out educational posts on this topic and will work to develop signage for the next maintenance trip.

Procurement procedures were performed earlier in 2020 for the replacement of lama & Kubin dolphin ladders. Once quotes are revalidated, these works will commence as soon as practicable.

PHOTOS



Figure 1 - Tide gauge Buoy, Masig Island



Figure 2 - Tide Gauge Dolphin, St Pauls



Figure 3 - Tide Gauge Dolphin, Warraber Island

Consultation:

- Torres Strait Regional Authority (TSRA)
- Torres Strait Island Regional Council (TSIRC)
- External Legal (MacDonells Law)

Finance & Risk:

This project is funded by TSRA.

Statutory Requirements:

Local Government Act 2009 (Qld)

**Endorsed:**

David Baldwin
Chief Engineer

**Recommended:**

Hollie Faithfull
A/Chief Executive Officer

Attachments:

- Tide Gauge Poster distributed in late December 2020

Tide Gauge PROJECT

TSIRC HAS RECENTLY ENGAGED THE DEPARTMENT OF ENVIRONMENT AND SCIENCE TO PERFORM MAINTENANCE AND INSTALL NEW TIDE GAUGES ACROSS THE TORRES STRAIT.

These tide gauges will provide information for a new tidal study, which will improve tide predictions and marine user safety accordingly.



The tide gauges come in different shapes and sizes, some are buoys near barge ramps, and others are located on marine dolphins. Importantly, marine users are encouraged to not tie up boats or cray pots to these tide gauges, as it blocks the sensors and provides bad data. Thank you for supporting TSIRC in ensuring these tide gauges are well maintained, and marine user safety will remain a priority.

Any questions please contact David Stevens mobile: 0409 302 106



TORRES STRAIT ISLAND REGIONAL COUNCIL

INFORMATION REPORT

ORDINARY MEETING:	January 2021
DATE:	20/01/2021
ITEM:	Information Report
SUBJECT:	Torres Strait Seawalls Programme Stage 2
AUTHORS:	Adeah Kabai – Manager, Capital Works

Recommendation:

Council notes this report

Purpose:

The purpose of this report is to provide an update to Council in relation to the Torres Strait Seawalls Programme Stage 2 Coastal Defence Works for the five islands being Boigu, Poruma, Masig, Iama and Warraber under the current \$40,000,000.00 State and Commonwealth Grant funding.

Background:

Project Background

The Torres Strait Seawalls Program is Commonwealth and State Government funded program originated in 2014 and was aimed to provide sustainable coastal defence works implemented on six (6) vulnerable island communities being Saibai, Boigu, Poruma, Masig, Iama and Warraber.

The key objective of the program is to fund the implementation of coastal defence systems to reduce the likelihood of tidal inundation and coastal erosion, and damage to community infrastructure.

Torres Strait Seawalls Program Stage 1

The State and the Federal Governments initially funded the Torres Strait Seawalls Program Stage 1 with total funding of \$26.2 Million which primarily consisted of major works at Saibai and works at Boigu and Poruma.

These works were delivered between 2013 and 2018 and are outlined in Table 1 below.

Community	Works Completed	Practical Completion
Saibai	<ul style="list-style-type: none"> - Cemetery – 455m masonry and 18m earth wall - Sea Wall – 2,284m of rock seawall - Wave return wall – 1,870m - Bund wall – 2,062m 	22 May 2017
Boigu	<ul style="list-style-type: none"> - Upgraded drains to have functional one-way flow valves - Upgraded the existing bunds to retain function - Upgraded existing seawalls including rock armour seawalls in vicinity of boat ramp & jetty 	30 November 2017
Poruma	<ul style="list-style-type: none"> - 20m of geotextile sandbag seawall - 140m of geotextile sandbags (funded separately by TSRA). 	September 2018

Table 1 - Works completed in Torres Strait Seawalls Stage 1

Torres Strait Seawalls Program Stage 2

The Torres Strait Seawalls Program Stage 2 is State and Commonwealth funded program with a total combined grant funding of \$40,000,000.00.

The funding will be utilised to deliver Coastal Defence works on five (5) of the originally targeted islands and will include:

- The completion of the Capital Works on Boigu and Poruma in accordance with the Program Implementation Plan for those Capital Works; and
- The completion of the remaining Capital Works on Iama, Masig and Warraber in accordance with the Program Implementation Plan for those Capital Works.

No coastal works are intended for Saibai under the current \$40,000,000.00. However, operations and maintenance of the seawall and bund wall (once way valves, drainage, culverts etc) is ongoing and funded by Council's operating budget.

The end date for the varied funding agreement has been extended to December 2024 inclusive of a 12-month defect liability period.

Proposed Works – Torres Strait Seawalls Stage 2

Table 2 outlines the proposed scope of works for the Torres Strait Strait Seawalls Program Stage 2 inclusive of works forecasted for Masig, lama and Warraber.

Community	Proposed Scope of Works – Main Items
Saibai Island	<ul style="list-style-type: none">No further Coastal defence works are intended for Saibai under current \$40M funding.
Boigu (Stage 2)	<ul style="list-style-type: none">Construct new wave return wall – approx. 1022 metresUpgrade and extend existing bund wall – approx. 450 metresRepair/upgrade existing sea bee seawall and existing rock armour seawallRe-establish dugong & turtle processing slabs
Poruma (Stage 2 -5)	<ul style="list-style-type: none">Construct geotextile sandbag seawall – approx. 1060 metres at four locations (stages 2 – 5*)Alter existing boat ramp and beach
Masig	<ul style="list-style-type: none">Geotextile sand bag seawall – est 1,300 metres at four locationsGeotextile Bund wall – est 2,800 metresMaintain access to existing 3 boat ramps – 2 located at north-eastern end of community, and 1 located at south-eastern end of community
lama	<ul style="list-style-type: none">Wave return wall – est 2100 metresEarth bund walls at two locations – est 600 metresRock Seawall partial demolishing and reconstruction and raising of height – est 200 metresRock Armour Seawall – est 450 metresGeotextile sand bag seawall with bund – est 650 metres
Warraber	<ul style="list-style-type: none">Construction of wave return wall – approx. 325 metresConstruction of geotextile bund wall – approx. 50 metresRock Seawall partial demolishing and reconstruction and raising of height – approx. 690 metresRepair and top-up existing rock seawall – approx. 280 metresGeotextile sand bag seawall – approx. 300 metres

Table 2: Proposed Scope of Works for each community

Note*: Some of the proposed scope items are subject to available costings ie Poruma Stage 5.

Programme Update;

24KA/HA notices were submitted in late November 2020 for the proposed Coastal Defence works for Poruma, Masig, Warraber, and Iama to enable Council to proceed with the proposed scope of works.

Council have resolved to vary the existing Torres Strait Seawalls Program Stage 2 funding agreement to incorporate the Commonwealth \$20,000,000.00 funding. The total grant funding for seawalls stage 2 is \$40,000,000.00

Indigenous employment and training is a key focus with high targets largely to be met by Council's proposed in-house construction at Poruma and Masig.

RFQ has been issued and responses received for Survey for Warraber, Iama, Masig, with expected surveys to be undertaken on site in February 2021.

Island specific updates are as follows:

Boigu

- Significant works have been undertaken since the onsite works commenced in mid August 2020. The Practical Completion of the project is forecasted for late August 2021.
- Installation of toe rock throughout the existing seawall has been completed and repair/upgrade of damaged sections.
- Installation of wave return panels is scheduled to commence in early Jan 2021.

Poruma

- Project Manager has visited one of the Geobag manufacturing facilities to work collaboratively to improve commercial offerings and quality of construction once on site.
- Development Approval has been granted in November 2020.
- In House Bid (TSIRC) being prepared after consultation with the Program Manager, and forecast for submission in January 2020. This is anticipated to be approved by the funding body (PGC) to enable Council's Civil Crew to undertake the Construction works.
- Procurement plan/proposal for the purchase of bags for the Poruma works has been endorsed by the Funder's Program Manager. TSIRC assessing procurement timing and risks
- Onsite works forecasted to commence in March 2021 with sand stockpiling already underway.

Masig

- The project is currently at Concept Design Stage. Order has been issued to engage Surveyor to attend to site in early 2021 to undertake surveying to progress the project to Detailed Design stage.
- In House Bid (TSIRC) will be submitted in early 2021 to enable Council's Civil Crew to undertake the Construction of the Masig Coastal Defence works after completion of the Poruma coastal defence works, subject to approval of the In House Bid.

Warraber

- The project is currently at Concept Design Stage. Order has been issued to engage Surveyor to undertake surveying to enable the project to progress to Detailed design stage. Survey to be performed in late Jan/early Feb 2021.

Iama

- The project is currently at Concept Design Stage. Order has been issued to engage Surveyor to undertake surveying to enable the project to progress to Detailed design stage. Survey to be performed in late Jan/early Feb 2021.

Consultation:

- Torres Strait Regional Authority (TSRA)
- Torres Strait Island Regional Council (TSIRC)
- Program Governance Committee (PGC) for the Seawalls Programme
- TSIRC Mayor and Councillors
- Registered Native Title Body Corporate (RNTBC / PBC)

Finance & Risk:

The budget allocated to each community is based on proposed scope of works completed by an external consultant (AECOM) and as reviewed by TSIRC.

Budgets have been formulated with 10% contingency amount and is the Project Manager's responsibility to track and forecast remaining works in conjunction with available funds.

Statutory Requirements:

Local Government Act 2009 (Qld)

**Endorsed:**

David Baldwin
Chief Engineer

Recommended:

Hollie Faithfull
A/Chief Executive Officer

Attachments:

N/A

TORRES STRAIT ISLAND REGIONAL COUNCIL

INFORMATION REPORT

ORDINARY MEETING:	January 2021
DATE:	20/01/2021
ITEM:	Information Report
SUBJECT:	Ugar All Tides – Dredge Channel Design Works
AUTHORS:	Kristan Duthie – Senior Project Engineer, Capital Works

Recommendation:

Council notes this report

Purpose:

The purpose of this report is to provide an update on the status of the Ugar All Tides Dredge Channel project.

Background:

Ugar, unlike other communities in the Torres Strait does not have both a airstrip and dredged marine access channelled through the fringing reef and is therefore the most isolated community in the Torres Strait with expensive helicopter services and high tide only marine access.

The island topography is not suitable for an airstrip, while the limited marine access sees barged freight deliveries occurring infrequently, approximately on a monthly basis, and small marine vessels (dinghies) users often left inconvenienced by the limited access.

The construction of an all tide access channel would improve the connectivity and thus livability of the community by providing access for a more regular barged freight service, allowing the small marine vessels safe passage across the reef at all times and improving the health of the community through delivery of fresh produce to the island on weekly basis inline with other Torres Strait communities.

The lack of all tides access has led to some alarming incidents as seen in the figure 1 below when a supply barge ran aground a few years ago.



Figure 1 - Sea Swift barge stuck on infringing reef at Ugar

The project aims to improve the connectivity and thus viability of the community by providing;

- Access for a regular barged freight service,
- Allowing the small marine vessels (dinghies) safe passage across the reef at all times, and
- Improving the health of the community through weekly delivery of fresh produce and services like all other Torres Strait communities.

Whilst minimising environmental impact to the island and surrounding marine life.

Works completed to Date (December 2020):

An options assessment was conducted in 2017 by external Engineering Consultant (AECOM), and an assessment of the options in regard to serviceability, capital and ongoing costs as well as environmental impacts was completed in 2019 by GHD. A barging channel (3.5m deep, 600m long and 35m wide) was the recommendation of these completed option assessment reports, with further detailed design works to be completed prior to tendering and securing funds for implementation.

Figure 2 below shows the recommended barge channel in blue adjacent to some of the other alternative routes considered.

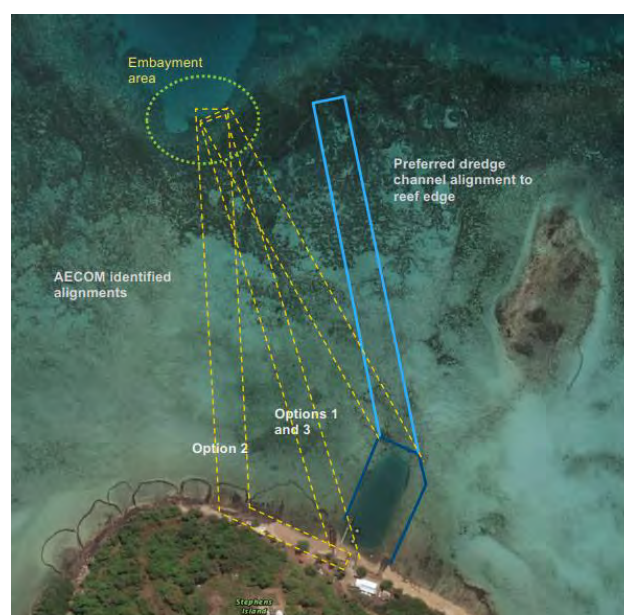


Figure 2 - Aerial view of proposed dredged channel in blue

On 19 January 2020, Council hosted a Community Consultation on Ugar to present the Community with the safe barge access options considered for the Ugar All Tides Access Project. The options were derived from the Ugar Community Safe Access Environmental Assessment reported completed by GHD in 2019.

It was resolved with the Community and endorsed by the PBC to progress with a dredged channel on the recommended alternative alignment at depth of -1.7m. Due to the possibility of future siltation, works will be completed to quantify the incremental environmental impact if the depth was to be increased.

Funding

In February 2020, Council applied for funding from Department of Transport Main Roads (ATSI TIDS) to fund the detailed design works (\$465k), however was not successful.

Council and the Ugar community have since expressed the importance of this project to TSRA, and as a result TSRA have secured funding (\$465k) to complete the detailed design stage of the project. The funding variation to 'Ugar Community Safe Access Project' was presented and endorsed at the October 2020 Council Ordinary Meeting, with the revised funding agreement being executed in November 2020.

It is to be noted that the funding secured is for the detailed design stage only (up to tender stage), and additional funding for the implementation of the works will be required to be secured in the future.

Proposed Scope of Works

The detailed design works (to be funded under the \$465k TSRA grant) is planned to be completed in 2 separate Stages outlined below;

Stage 1;

- Disposal site of dredged spoils – options and recommendations
- Design report
- Prepare concept design for;
 - Swing basin dredging
 - Barge channel
 - Channel markers
 - Rock groyne (if required)
 - Disposal location
- Further geotechnical interpretation
- Pre-lodgement for approvals
- Community and RNTBC Consultation

Stage 2;

- Approvals
- Design drawings and reports outlining
 - Schedule
 - Financial estimate
 - Methodology and equipment proposed to be utilised
 - Technical and non-technical specification
- Community and RNTBC Consultation

AECOM have been awarded the Stage 1 design works under local buy contract BUS 262-0317. The consultant to complete Stage 2 works will be engaged through a tender or sole source pending performance and agreed contracting plan.

Proposed Schedule

The detailed design works (Stage 1 and 2) are envisaged to take 14 months with the critical path of the project being the development and environmental approvals required for this nature of project.

The table below outlines the anticipated schedule to complete the detailed design stage.

Stage 1	Forecasted Dates
Site investigations	14/04/21
Survey	24/02/21
Geotechnical	24/03/21
Environmental	14/04/21
Concept Design	30/06/21
Stage 2	
COM Meeting	August 21
Detailed Design	December 21
Approvals	February 22

Tender documentation will be developed and the project tendered once viable funding sources have been evaluated.

Consultation:

- Torres Strait Regional Authority (TSRA)
- Torres Strait Island Regional Council (TSIRC)
- AECOM (previous design consultant)
- Ugaram Le RNTBC

Finance & Risk:

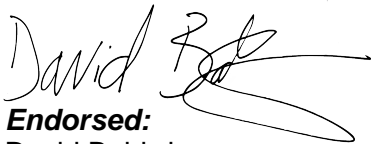
The requested \$465,000 funding has a contingency allowance between 10 to 20% for each activity to ensure that any changes or unknowns can be managed within the requested budget.

It is the Project Managers responsibility to track and forecast remaining works in conjunction with available funds.

A project risk assessment have been completed which outline the whole of life project risk as well as mitigating measures to reduce the chance or impact of the risk. The risk assessment will be reviewed in each of the design stages.

Statutory Requirements:

Local Government Act 2009 (Qld)

**Endorsed:**

David Baldwin
Chief Engineer

Recommended:

Hollie Faithfull
A/Chief Executive Officer

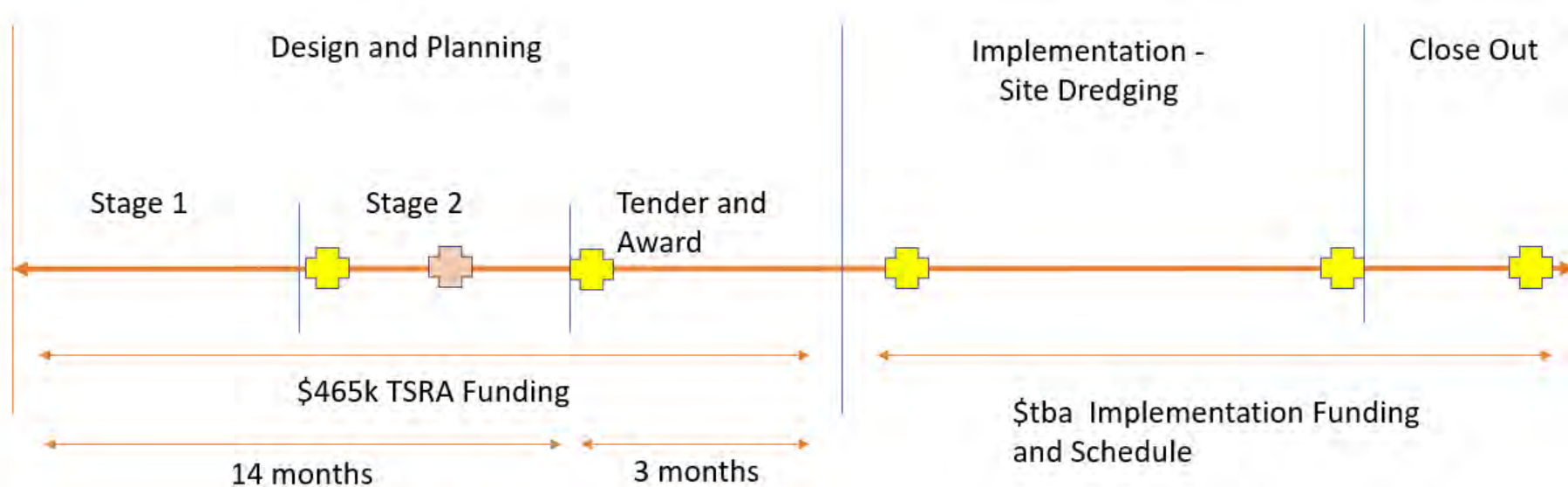
Attachments:

Ugar All Tides – Project Plan

TORRES STRAIT ISLAND REGIONAL COUNCIL

INFORMATION REPORT

Project Plan



-  Denotes a Key Consultation point in the project
-  Denotes 24kA/hA



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	January 2021
DATE:	20-21 January 2021
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Fraud and Corruption Prevention Policy Review
AUTHOR:	Nerida Carr, Manager of Risk and Ethics

RECOMMENDATION

That Council adopt the following revised Policy, and publish on its website:

- *Fraud and Corruption Prevention Policy*
-

PURPOSE

The purpose of this report is to present for adoption the revised Fraud and Corruption Prevention Policy for Council.

BACKGROUND

This Policy was previously endorsed in February 2020 with a review date of February 2022. In March 2020, Pacifica Chartered Accountants commenced an Internal Audit Project "Fraud Risk and Ethical Conduct Review" which resulted in a recommendation to expand the Policy's examples of internal and external fraud.

OFFICER COMMENT

Fraud and Corruption are recognized as common Local Government risks, with possible consequences including significant financial loss, reputational damage and loss of public confidence. It is for these reasons Torres Strait Island Regional Council (TSIRC)'s management and Audit Committee selected Fraud Risk and Ethical Conduct as an Internal Audit project.

The Manager Risk and Ethics met with Internal Audit to review the project report and prioritize actions to implement recommendations. The action plan for the 2020/21 financial year implementation of Internal Audit recommendations was presented to the Audit Committee at their meeting on 20 November 2020. The review of this Policy is part of this plan and one of management's responses to improve organizational awareness of fraud.

Most existing policies and procedures relating to Fraud and Corruption control, including Public Interest Disclosures, are placed in the Office of the CEO. This is consistent with importance of "setting the tone from the top", as identified in Crime and Corruption Commission (CCC) literature and emphasized by the Internal Audit report. The Fraud and Corruption Prevention Policy has previously been classified by TSIRC as a Financial Services policy; naming the responsible Manager as the Chief Executive Officer demonstrates TSIRC's commitment from the top to Fraud management, as it is the CEO who is ultimately responsible.

Training and awareness of ethical principles and ethical decision-making are essential elements of fraud and corruption prevention. Commitment to providing this training has also been included in the Policy Review, in accordance with CCC Best Practice.

Although it is not currently a statutory requirement to publish Council's Fraud and Corruption Policy on its website, doing so is consistent with Right to Information principles of strengthening the community's right to access such information, and the Council's Values (Accountability and One) as stated in the Corporate Plan.

REFERENCES

Queensland Audit Office:

- Fraud Management and Local Government Report 19 2014-15
- Fraud Risk Management Report 6 2017-18

Crime and Corruption Commission:

- Fraud and Corruption Control Best Practice Guide 2018
- Council Records: A guideline for Mayors, Councillors, CEOs and Council Employees 2019

Queensland Ombudsman:

- Public Interest Disclosure Guides

LINKS WITH STRATEGIC PLANS

Corporate Plan 2020-2025

- Accountability: We are reliable, honest and ethical in all that we do

STATUTORY REQUIREMENTS

Local Government Act 2009

Local Government Regulation 2012

Public Sector Ethics Act 1994

Integrity Act 2009

Public Interest Disclosure Act 2010

Right to Information Act 2009

Crime and Misconduct Act 2001 (Qld)

Criminal Code Act 1899 (Qld)

CONCLUSION

The Fraud and Corruption Prevention Policy has been updated in line with the listed documents and legislation and is recommended for adoption and publication.



Hollie Faithfull

Acting Chief Executive Officer

ATTACHMENTS:

1. *Fraud and Corruption Prevention Policy*



FRAUD AND CORRUPTION PREVENTION POLICY

Policy No: PO14

Responsible Manager: ~~Manager, Risk and Assets~~ Chief Executive Officer

Head of Power: *Crime and Corruption Act 2001
Criminal Code Act 1899
Integrity Act 2009
Public Interest Disclosure Act 2010
Public Sector Ethics Act 1994
Right to Information Act 2009
Local Government Act 2009
Local Government Regulation 2012*

Authorised by: Council

Implemented from: ~~February 202~~ January 2021

Last Reviewed: ~~29 August 2016~~ February 2020

Review History: 2016, 2020

To be reviewed on: ~~February 2022~~ January 2022

Corporate Plan: Accountability: we are reliable, honest and ethical in all that we do.

1. POLICY STATEMENT

Council is committed to the control and elimination of all forms of fraud and corruption, and to create an ethical environment and culture that discourages and prevents them. Council has zero tolerance to activities related to fraud and corruption, which are commonly associated: fraud is usually regarded as some form of deliberate deception to facilitate or conceal misappropriation, and corruption involving a breach of trust in the performance of official duties.

All staff are responsible for the prevention and detection of fraud and corruption. There is a mandatory duty of every public officer under Section 38 and 39 of the *Crime and Corruption Act 2001* to notify the Crime and Corruption Commission if s(he) reasonably suspects that a complaint or information or matter involves or may involve corrupt conduct. This mandatory duty is despite any obligation the person has to maintain confidentiality.

All allegations and suspicions of fraud will receive attention. All substantiated cases will be dealt with appropriately either by criminal, disciplinary or administrative mechanisms suitable to the case (having due regard for the rights of all persons, including any person reporting a fraud and of any alleged perpetrator of fraud).

As fraud and corruption constitute a significant risk to Council, it is appropriate that a culture of ethical conduct be developed to recognise and avoid fraud and to deal appropriately with any cases of fraud. Torres Strait Island Regional Council is committed to ethical practices and the prevention of fraud and corrupt practices across all levels of operation.

Council is committed to:

- Taking a risk management approach to the prevention, identification and management of fraud and corruption;
- Reducing or removing the potential for fraudulent or corrupt conduct on the part of its employees, contractors, clients and suppliers;
- Detecting fraudulent or corrupt conduct;
- Responding to all instances of suspected fraudulent or corrupt conduct exposed as a result of our detection processes, or as a result of receiving an allegation of fraudulent or corrupt activities;
- Managing, disciplining or facilitating the prosecution of those responsible for incidents of fraud and corruption as appropriate;
- Minimising the risk of fraud and corruption; and
- Ensuring the continuing organisational integrity and transparency of its operations.

Council will act on any suspicion of illicit conduct on the part of its staff or any party with whom it conducts business.

Council officers have a responsibility and an obligation to report suspected or known incidents of fraud or corruption.

Council will take action against anyone who takes reprisal action against a Council officer who reports suspected or known incidents, consistent with Public Interest Disclosure standards.

Council recognises that fraud and corruption prevention and control are integral components of good governance and risk management.

The Local Government Act 2009 mandates Councils establish and maintain appropriate systems of internal controls and risk management.

2. SCOPE

This policy applies to any fraud or corruption, or suspected fraud or corruption, involving Council employees, Councillors, contractors, consultants, volunteers, suppliers or any other party dealing with Torres Strait Island Regional Council.

3. DEFINITIONS

For the purposes of this policy, the following definitions apply:

3.1 Corruption

Corruption means dishonest activity in which an employee of an organisation acts contrary to the interest of the organisation, in order to achieve some gain or advantage, or to avoid loss or disadvantage, for the employee or for another person or entity. Corruption can include, but is not limited to, behaviour such as: ~~fraud, deception, misuse of a position or authority.~~

- Provision of false credentials, references or identification by an applicant to gain a position within Council.
- Payment or receipt of secret commissions (bribes), which may be paid in money or in some other form of value to the receiver and may relate to a specific decision or action by the receiver or generally.
- Release of confidential information in exchange for financial benefit or some form of non-financial benefit or advantage to the employee releasing the information
- Collusive tendering (the act of multiple tenderers for a particular contract colluding in preparation of their bids).
- Payment or solicitation of donations for an improper political purpose.
- Serious conflict of interest involving an Officer acting in his or her own self-interest rather than the interests of Council.
- Manipulation of the procurement process by favouring one tenderer over another for personal reasons or selectively providing information to some tenderers.
- Manipulation or avoidance of the recruitment process to appoint staff.
- Reprisal against a Public Interest Discloser and subject officers.

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Formatted: List Paragraph, Bulleted + Level: 1 + Aligned at: 0 cm + Indent at: 0.63 cm

As defined in the *Crime and Corruption Act 2001 S15*,

Corrupt conduct - means conduct of a person, regardless of whether the person holds or held an appointment, that—

- (a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—
 - (i) a unit of public administration; or
 - (ii) a person holding an appointment; and
- (b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that—
 - (i) is not honest or is not impartial; or
 - (ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or
 - (iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and

- (c) would, if proved, be—
 - (i) a criminal offence; or
 - (ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

Corrupt conduct - also means conduct of a person, regardless of whether the person holds or held an appointment, that—

- (a) impairs, or could impair, public confidence in public administration; and
- (b) involves, or could involve, any of the following—
 - (i) collusive tendering;
 - (ii) fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)—
 - (A) protecting health or safety of persons;
 - (B) protecting the environment;
 - (C) protecting or managing the use of the State's natural, cultural, mining or energy resources;
 - (iii) dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;
 - (iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;
 - (v) fraudulently obtaining or retaining an appointment; and
- (c) would, if proved, be—
 - (i) a criminal offence; or
 - (ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

Under the *Crime and Corruption Act 2001* S14, **conduct** includes:

- a) neglect, failure and inaction; and
- b) conspiracy to engage in conduct; and
- c) attempt to engage in conduct.

3.2 Fraud

Fraud is where dishonest activity causes actual or potential loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following, the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal purpose or the improper use of information or position for personal benefit.

Fraud may include but is not limited to:

- theft of cash, goods, services or property;
- obtaining property, a financial advantage or any other benefit by deception;

- causing a loss, avoiding or obtaining a benefit by deception;
- knowingly providing false or misleading information to Council, or failing to provide information where there is an obligation to do so;
- a breach of trust in the performance of official duties, by which an employee or Councillor acts contrary to the interest of Council in order to achieve some personal gain or advantage for themselves or for another person or entity;
- using a forged or falsified documentation for an improper purpose;
- deliberate misstatement of accounting information for an improper purpose.

Internal Fraud refers to fraudulent acts undertaken by Councillors or employees. Examples of such fraud include:

- falsification of expenses claimed (expense reimbursements) including any claim for reimbursement of expenses that are not made for the exclusive benefit of Council.
- forgery or alteration of cheques, invoices, computer records and other documents;
- ~~(a)•~~
- ~~(b)•~~ theft of cash and alteration of records to conceal any deficiency;
- ~~(c)•~~ falsification of invoices for payment;
- ~~(d)•~~ failure to receipt monies collected;
- ~~(e)•~~ procurement fraud;
- ~~(f)•~~ timesheets where ordinary or overtime hours have been inappropriately claimed;
- ~~(g)•~~ inappropriate use of Council resources (labour/plant) or information for personal gain;
- ~~dealing inappropriately with benefit claims of friends or relatives.~~
- unexplained and/or sudden sources of wealth;
- excessive secrecy in relation to work
- employees who are aggressive or defensive when challenged, and/or controlling of certain colleagues;
- poorly reconciled cash expenses or customer accounts;
- employees known to be under financial pressure;
- employees who delay providing information, or who provide different answers to different people;
- employees under apparent stress without identifiable pressure;
- employees making procedural or computer enquiries inconsistent with, or not related to, their normal duties;
- managers who avoid using normal procurement processes (e.g. excessive use of credit card or cash to purchase items, outside the procurement framework);
- employees who appear to make many mistakes, especially those leading to financial loss;
- employees with competing or undeclared external business interests;
- managers with too much hands-on control;
- employees refusing to take leave;
- an unusual number of customer complaints; and/or
- customers or suppliers insisting on dealing with just one individual.
- any misappropriation of funds, securities, supplies or any other Council property;
- any irregularity in the handling or reporting of money transactions;
- seeking or accepting anything of material value from suppliers, consultants or contractors doing business with Council;
- unauthorised use or misuse of Council property, equipment, materials or records;
- any computer related activity involving the alteration, destruction, forgery or manipulation of data for fraudulent purposes or misappropriation of Council owned software;
- lodgement of a false claim against Council e.g. workers' compensation or public liability
- running a private business during work hours
- making false statements or altering signatures or other information and materials so as to mislead or misrepresent a position or hide wrongdoing

Formatted: Bulleted + Level: 1 + Aligned at: 0 cm + Indent at: 0.63 cm

- destroying or removing records without approval for personal gain or to conceal fraudulent activity

In some instances, there can be potential for those in positions of trust within Council to perpetrate fraud against third parties.

External Fraud refers to fraud committed against Council by persons outside Council. Examples of such fraud include:

~~false invoices or statements in applications for Council programs and applications for grants.~~

- applications for Council assistance with inconsistent signatures, mismatched fonts or handwriting on different pages of the same document;
- invoices which look different to previous invoices issued by the same provider;
- lack of supporting evidence, or falsified evidence that eligibility criteria for grant or community funding has been met;
- expenditure exceeding approved budgets for grant funding but there is not adequate information to explain the variance;
- a high volume of transactions from one service provider (such as a registered training organization) used to support a licence, community or grant funding application, as this may indicate collusion between applicants and the provider; and/or
- attempts to obtain sensitive information such as usernames, passwords, and credit card details.

- ~~(a) forgery or alteration of cheques, invoices, computer records and other documents;~~
- ~~(b)(e) any misappropriation of funds, securities, supplies or any other Council property;~~
- ~~(c)(a) any irregularity in the handling or reporting of money transactions;~~
- ~~(d)(a) seeking or accepting anything of material value from suppliers, consultants or contractors doing business with Council;~~
- ~~(e)(a) unauthorised use or misuse of Council property, equipment, materials or records;~~
- ~~(f)(a) any computer related activity involving the alteration, destruction, forgery or manipulation of data for fraudulent purposes or misappropriation of Council owned software;~~
- ~~(g) any claim for reimbursement of expenses that are not made for the exclusive benefit of Council.~~

4. PROCEDURE

Council's commitment to fraud control will be managed by ensuring that fraudulent or corrupt behaviour is discouraged, conflicts of interest are avoided, and training and auditing systems are in place. This will be achieved with reference to the following procedures:

1. Fraud and Corruption Control (PO14-PR-1)
2. Gifts (PR-PO4-4)
3. Lost, Stolen and Damaged Property (PR-PO4-6)
4. Complaint Management Procedure (SPO9-PR1).

Training and awareness of ethical principles and ethical decision-making are essential elements of fraud and corruption prevention. Council is committed to providing staff access to training and awareness programs that build on the Code of Conduct and provide clear understanding of fraud

Formatted: Indent: Left: 1.37 cm

Formatted: Bulleted + Level: 1 + Aligned at: 1.25 cm + Indent at: 1.25 cm

and corrupt conduct, including relevant scenarios that encourage participation and link training to everyday local government work situations:

- Council's values, policies, code of conduct and reporting arrangements
- Public Interest Disclosures
- How to respond to suspicions of fraud and corruption
- The risk areas identified in fraud and corruption risk assessments
- 3. • Case studies and techniques to further develop ethical decision-making skills

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Font: (Default) Arial

5. ROLES AND RESPONSIBILITIES

5.1 Mayor and Councillors

The *Local Government Act 2009* provides the Mayor and Councillors with clear roles and responsibilities. In the context of this policy, the role of the Mayor and Councillors is to ensure that there are appropriate processes in place to reduce the risk of fraud and corruption.

The Mayor and Councillors are also accountable to the communities they serve. Complaints about the conduct of Elected Members can be made to the Office of the Independent Assessor, Phone 1300 620 722, Email OIAcomplaints@oia.qld.gov.au, or online at www.oia.qld.gov.au.

5.2 The Chief Executive Officer and Management

The CEO has primary responsibility for the proper management of Council resources and the development and implementation of systems and practices to minimise the risk of fraud and corruption. The CEO and Management ~~d Management~~ will lead by example in a manner consistent with the values and principles detailed in the Employee Code of Conduct.

The CEO is required to notify the Crime and Corruption Commission if there is reason to suspect corrupt conduct as defined by the *Crime and Corruption Act 2001* has occurred. The CEO should refer to the *Crime and Corruption Commission - Corruption in Focus guide to dealing with corrupt conduct in the Queensland Public Sector* for guidance in any dealings with fraud and corruption matters.

The CEO and Management will assume responsibility for fraud and corruption prevention to ensure that the fraud and corruption control strategies are implemented effectively across all work areas. Consideration of fraud and corruption issues will form part of both annual and longer term operational and business processes.

5.3 Managers and Supervisors

It is the responsibility of managers and supervisors to ensure that the decision-making process is as open and accountable as possible. They must display ethical leadership in the promotion of Council's Fraud and Corruption Control, and visibly conduct themselves in a manner consistent with the values and principles of Council's Code of Conduct. Fraudulent conduct is more likely to occur in an environment where systems, standards and procedures are not clearly defined and may be open to exploitation. Therefore, measures to prevent fraud should

be continually monitored, reviewed and developed, particularly as new systems or procedures are being introduced or modified, or where current systems or controls are outdated.

All managers and supervisors must recognise that fraud and corruption may occur in their area of responsibility. Managers are to critically examine their areas of responsibility and business processes to identify and evaluate potential fraud and corruption risk situations. Managers and supervisors are expected to develop and maintain fraud and corruption resistant work practices.

Each manager is responsible for managing fraud risk in their Department including:

- Identifying and periodically reviewing the risks, including fraud risks;
- Establishing controls to manage or mitigate fraud risks;
- Monitoring established controls to determine if they are operating as intended;
- Identifying fraud prevention training needs of staff;
- Implementing (in accordance with policy) disciplinary action concerning staff involved in fraudulent activity.
- Fostering the highest standards of ethical behaviour and culture.

5.4 All Council Officers

Staff are encouraged to contribute to the development of improved systems and procedures that will enhance TSIRC's resistance to fraud and corruption. All Council Officers are responsible for the following:

- Acting appropriately when using official resources and handling and using public funds, whether they are involved with cash or payment systems, receipts or dealing with suppliers;
- Safeguard any assets under their control;
- Indicate any lack or weakness in controls;
- Report maladministration;
- Clearly understand their obligations with respect to any losses, deficiencies and shortages;
- Ensure all personal claims are correct;
- Being alert to the possibility that unusual events or transactions could be indicators of fraud or corruption;
- Reporting details immediately if they suspect that a fraudulent or corrupt act has been committed;
- Reporting any behaviour that is in breach of the Code of Conduct; and
- Co-operating fully with whoever is conducting internal checks, reviews or investigations into possible acts of fraud or corruption.

All Council Officers who have any knowledge of fraudulent or corrupt activities/behaviour within Council have an obligation to report such matters to a manager/supervisor, or the Chief Executive Officer. Incidents may be reported on TSIRC's website under the Complaints process. If the matter involves corruption, this may also be reported to the Crime and Corruption Commission Phone 1800 061 611 Email mailbox@ccc.qld.gov.au or online at www.ccc.qld.gov.au. Matters involving maladministration may be reported to the Office of the Queensland Ombudsman Phone 1800 068 908, Email ombudsman@ombudsman.qld.gov.au, or line at www.ombudsman.qld.gov.au.

5.5 Audit Committee

Fraud-related matters will be reported to Council's Audit Committee by the nominated person to ensure that a realistic view of Council's exposure and the maturity of its systems to prevent, detect and respond to fraud are understood.

5.6 External Audit

External Auditors certify that Council's accounts represent a true and fair view of the Council's financial position. Senior management and the Audit Committee will undertake discussions with the external auditor in terms of the audit strategy and procedures that will be carried out during the audit that are aimed at detecting material misstatements in Council's financial statements due to fraud or error.

5.7 Internal Audit

The Internal Audit program supports Council's efforts to establish an organisational culture that embraces ethics, honesty, and integrity. Internal Audit assists Council with the evaluation of internal controls used to detect or mitigate fraud and evaluates the organisations assessment of fraud risk.

The responsibility for prevention of irregularities rests with Council and management through the implementation and continued operation of an adequate internal control system. Internal Auditors are responsible for examining and evaluating the adequacy and the effectiveness of actions taken by management to fulfil this obligation.

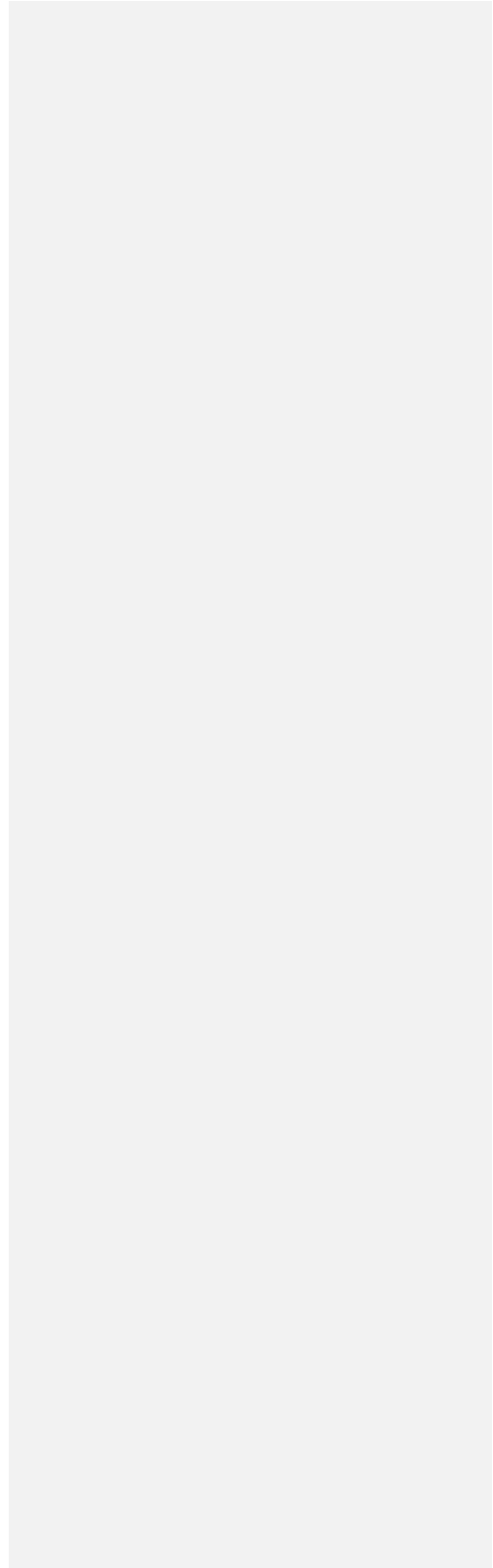
6. AUTHORISATION

This page and the previous bearing my initials were duly authorised by Council as the Torres Strait Island Regional Council Fraud and Corruption Prevention Policy PO 14 on XX January 2021, and shall hereby supersede any previous policies of the same intent.

Hollie Faithfull

Date: January 2021

Acting Chief Executive Officer





TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA PAPER

ORDINARY MEETING:	January 2021
DATE:	20/01/2021
ITEM:	Agenda Paper
SUBJECT:	Freight and Fuel Tender Update
AUTHOR:	Mette Nordling, Manager Governance and Compliance

Recommendation

That Council resolves to note this report.

Background

At Council's November 2020 ordinary meeting, Council resolved to:

1. to pursue further negotiations with Sea Swift on the basis of their non-conforming tender submission;
2. that pursuant to Section 257 of the Local Government Act 2009, Council delegates power to the Chief Executive Officer to undertake negotiations with Sea Swift on the basis of their non-conforming tender submission.

Negotiations

Due to conflicting priorities and availability the first meeting to commence the negotiations between TSIRC and Sea Swift was held on Thursday 17 December 2020.

In attendance was:

Sea Swift

Lino Bruno, Acting Chief Executive Officer

Peter Domenighini, General Manager of Operations - Queensland

TSIRC

Mario Sabatino, Manager Strategic Projects and Logistics

Luke Ranga, Head of Corporate Affairs

Mette Nordling, Manager of Governance and Compliance

Hollie Faithfull, Acting CEO was unable to attend this meeting due to attendance at the Senate Inquiry of the Select Committee on the effectiveness of the Australian Government's Northern Australia agenda, on Thursday Island.

The following was discussed at the meeting

Sea Swift an essential service provider:

- Sea Swift made it clear that they see themselves as an essential service provider. Being an essential service provider, means that they have a responsibility to the community. They are well aware of this and willing to assist. In particular they mentioned the following areas under this point;

- Community Engagement
- Assisting Council (and the Elphinstone Project) with Community Freight opportunities and provision
- 'Market Connect' which is a program they offer to assist community owned enterprises and would assist greatly with our Enterprise Development Strategy
- Assisting Council with our Waste Management Strategy and options to help deliver this
- Assisting Council (along with CEQ and Ergon) in the advocacy for investment in Marine Infrastructure upgrades/renewals

Freight Categorisation:

- Council will work to categorise freight based on priority levels to ensure expectations are managed between Council and Sea Swift regarding the urgency with which freight must be carried to its destination. Sea Swift will advise Council of the categories currently utilised by Sea Swift to ensure consistency.
- The freight consolidation facility at Elphinstone will greatly assist with this and with the right tools and processes in place, Council will be able to provide more precise forecasting of freight which will help both Sea Swift and Council to ensure that expectations are met.
- This categorisation will also be utilised in the reporting with Sea Swift providing KPI reporting based on these.
- In the meeting today, it was agreed that priority 1 freight would be moved on first scheduled service, priority 2 can skip one service (3 days to a week), and priority 3 can skip 2 services (approximately 10 days maximum).
- Sea Swift expressed support for Council's desire to consolidate freight and offered to assist with policies, procedures and potentially equipment if required.

Freight being dropped at wrong community, no one to meet and accept freight at arrival, no one aware of what freight to expect:

- It was discussed how to ensure that freight is delivered to correct communities.
- Sea Swift advised that access and training to the Sea Swift portal was provided 1-2 years ago. In this portal Council can look up purchase orders and find where in the system/which vessel etc the consignment is on. From this portal Council is also able to print a manifest of what is on the vessel and to be delivered to individual communities, which can then be ticked off on arrival.
- Sea Swift is happy to offer this training again to ensure Council has better oversight as to where freight is.
- Sea Swift to provide suggestions as to how we can better manage receipt of freight on islands.
- Again, this is something that can be greatly improved through freight consolidation, where there will be fewer small consignments and larger, easier trackable consignments.
- Sea Swift advised that there is not always someone present to accept freight when a vessel arrives. It was discussed, how we internally will need to look at this, but also, how we can potentially improve processes of communication from Sea Swift to Council on expected arrival times.
- Currently Sea Swift has a list of council email addresses that are notified about ETAs, but several of these are no longer in use and it appears that not everyone on the list are receiving the email.
- Corporate Affairs suggests that an email distribution group is set up ie one external email address, and that people are added/taken off by Council to ensure the list is always up to date with people acting etc.
- It was also discussed whether the Whisp'r technology could be used for this email to be distributed as a text message to relevant parties to ensure the email is not lost in the system.

Off loads:

- The issue of off loads in Cairns and on Horn Island was also discussed.

- Sea Swift advised that they have been a bit limited with capacity in the last year, but that extra services have been put in place where required to ensure freight is not sitting too long. There is a new larger vessel (line haul vessel, ex Cairns) coming later in 2021 which will hopefully be in service by November/December. This will ensure that there will be very limited off loads in Cairns. Currently there is a 3rd vessel 'hanging around' Horn Island to ensure there are minimal off loads happening on Horn Island.
- Several of Sea Swift's vessels are aging and it is estimated that it will cost \$24m over the next 5 years just in Queensland to ensure continuity....

Exclusivity and project freight:

- Exclusivity and project freight were discussed in very broad terms.
- Based on the fact that the proposed contract is only short term, 2 years, Sea Swift is relying on the exclusivity of the contract. They also have a desire, to at least have the first right of refusal – meaning that they are given the opportunity to quote. If Council can then get a cheaper quote elsewhere, Council can accept that.
- If Council gets better at forecasting bigger loads and project freight Sea Swift might be able to do share loads instead of a full barge hire, which will provide cheaper pricing for Council.
- Freight consolidation through Elphinstone could again greatly assist with that.

Fuel issues:

- Sea Swift advised that there appears to be discrepancies in relation to fuel levels/needs and the fuel ordered.
- It has previously been flagged by Corporate Affairs, that there seem to be miscommunication between the engineering department and community services in relation to fuel orders. It appears that on some islands, the same amount of fuel is ordered week after week, even if that amount of fuel is not required.
- Sea Swift suggested going back to the 'old process' where Sea Swift checks the levels and manage the amount of fuel delivered.

Things to be incorporated into contract

- Continuous improvement – community freight – assistance from Sea Swift regarding policies, procedures, resources etc (market connector program initiated by Sea Swift)
- Service delivery – dashboard (schedule integrity DIFOT, incidents, offloads,
- Weekly, monthly, quarterly meetings
- Essential Service Provider opportunities as discussed in my first point above.

Next Steps

A follow up meeting is currently being scheduled for early/mid-January 2021. At this meeting negotiations around the actual contract term; terms and conditions as well as how to incorporate the above will be conducted.

Statutory:

Local Government Act 2009 (Qld)

Local Government Regulation 2012 (Qld)



Hollie Faithfull
Acting Chief Executive Officer

**TORRES STRAIT ISLAND REGIONAL COUNCIL
LATE AGENDA REPORT**

ORDINARY MEETING

DATE: 20 & 21 January 2021
SUBJECT ITEM: Housing Authority Report
AUTHOR: Manager Housing & Policy

Recommendation:

That Council notes the Housing Authority Report

Purpose:

Torres Strait Island Regional Council (Council) is seeking to divest its function of community (social) housing provider from Local Government to an outside entity – a "Housing Authority" for various reasons:

- Remove the high cost of depreciation from Council's asset balance sheet;
- Deliver repairs and maintenance and upgrades from one local entity (currently R&Ms are delivered by the Department of Housing and Public Works);
- Potentially attract funding for the training of locals in the housing sector;
- Potentially increase overall funding for housing programs.

The Housing Authority would drive the Housing Local Action Plan for the Torres Strait region, as directed by the Queensland Government, following the *Aboriginal and Torres Strait Islander Housing Action plan 2019-2023*, launched in January 2020.

It is understood that TSIRC will remain as major stakeholder of the Authority.

Background:

TSIRC has responsibility for 891 social housing tenancies across 13 island divisions. Housing services comprises rent collection, account management, engagement with tenants, and repairs and maintenance to housing assets.

Up until 2014 Council was using general administration staff on the ground to deliver tenancy services as part of their role. Rent charges were increased on 1 February 2014 to market rent value, in accordance Council's agreement with the Queensland Department of Housing and Public Works (DHPW).

As there was no tenancy management system in place and insufficient human resources to engage with tenants successfully, the increase in rent charges resulted in many tenants falling into (or increasing) their arrears. Some tenants did not receive the information, were unable to understand the information or simply were not able to sustain the increase.

This resulted in unpaid rent for several years, accumulating to a substantial debt burden to

Council and tenants. The decision by Council to become an Authority stems from this environment.

In 2016, TSIRC took steps to rectify the lack of progress in rent collection, accounts management and debt recovery and formed a Housing Department staffed by 17 employees.

Governance:

The Housing Department developed a suite of policies and procedures in accordance with the *Residential Tenancies and Rooming Accommodation Act 2008* (Qld).

The Team introduced rent and arrears payment plans for tenants and embarked on an extensive engagement program with tenants to inform them of their obligation to pay rent and to repay rent arrears, using a variety of engagement methods.

Outcomes

- The rental collection rate was 32% in July 2016
- The rental collection rate was 88% in July 2020
- *Current* housing debtors' arrears was \$13,465,232 in November 2018
- *Current* housing debtors' arrears was \$9,350,797 in July 2020.

Registration as community housing provider

Council submitted a range of evidence to support their application to become a registered Community Housing Provider under the National Regulatory System for Community Housing (Queensland) QRSCH). All community housing providers – including the proposed Authority – are required to submit evidence in accordance with seven performance outcomes across the whole of organisation:

- Performance outcome 1: Tenant and housing services
- Performance outcome 2: Housing assets
- Performance outcome 3: Community engagement (LGs do not need this outcome)
- Performance outcome 4: Governance
- Performance outcome 5: Probity
- Performance outcome 6: Management
- Performance outcome 7: Financial viability

TSIRC became a registered provider on 03 July 2018, with a couple of compliance items to be provided by June 2021. Once registered, the provider is subject to audits.

The position of Senior Project Officer – Management Systems was responsible for the development of policies, procedures and the registration process. The table below details the level of investment with senior Housing staff (as supervisors) and the input from other senior staff to provide relevant evidence.

Investment: 2017-2020

Resource	Time	Annual cost	Total S
Senior Project Officer – Management Systems until November 2018	full time	\$75,000 + 38% on-cost	207,000
Housing Manager until November 2018	part time	\$120,000 + 38% on-cost	158,700
Executive Manager Housing Services until November 2018	part time	\$140,000 + 38% on-cost	96,600
Manager Housing – from November 2018	full time	\$118,000 + 38% on-cost	325,680
Senior staff across the organisation - through the registration process	2 staff per outcome, 2 hours per month average each, for 2 years	240 hours x \$60.00/hr + 38% on-cost	19,870
Insurance premiums	Assets	annually	2,135,664
Tenancy management software	Set up only	One-off	350,000
TOTAL			3,293,514

It is expected that to setup of the Authority will require the following resources:

- one full time executive manager for at least three years
- several staff developing the policies and processes to enable registration, costs based on the model above
- one lawyer for at least six months
- housing staff – the number of which to be determined (either one per division or one supervising two or more divisions, with the additional cost of travel)
- Builders, managers, supervisors, estimators, R&M coordinators, apprentices, etc, to run the R&M and upgrade programs
- Finance and contract staff to manage rental income, arrears, depreciation and contractors' payments
- Insurance and wages to be paid by rent income (as are currently)
- On-going technical support tenancy management system

Status to date

The following supporting documents were developed as draft for consultation to support the creation of a Housing Authority:

- Terms of reference of the Authority structure
- SWOT analysis
- Housing Authority model

Additionally Manager Housing sought advice from Maddocks law firm on a potential structure for an authority. They provided advice (on a pro bono level) on their work setting up *Housing Vic*, a housing authority as a branch of the Victorian Department of Health Human Services,

www.housing.vic.gov.au.

Issues

- The debts will need to be carried over to the Authority
- Limited interest by insurance suppliers to take on the risks of insuring properties in the Torres Strait
- Negotiation to be undertaken with PBC where land transfer has been made (Badu and Mer – or currently under way (Iama, Mabuiag, Ugar)
- At what stage do the other Councils in the region get to join the Authority

Consultation:

- Finance Team

Link with Corporate Plan:

- Prosperous, Sustainable

Statutory requirements:

- *Residential Tenancies and Rooming Accommodation Act 2008* (Qld)
- *Housing Act 2003* (Qld)
- *Housing Regulation 2015* (Qld)

Conclusion:

That Council notes this To note this report.

Appendices

- 1- Terms of reference of the Authority structure
- 2- SWOT analysis
- 3- Housing Authority model
- 4- Extract of Evidence guidelines for providers
- 5- Maddocks' advice

DRAFT TERMS OF REFERENCE

TORRES STRAIT HOUSING AUTHORITY



1. BACKGROUND

Registration of TSIRC as a community housing provider under the National Regulatory System for Community Housing is a condition of funding under its agreement with the Department of Housing and Public Works.

Registration is intended to support the development of a social housing industry and ensure that the regulatory protection for tenants and assets apply to all publicly-funded social housing services.

2. OBJECTIVE

Provide an overview of the requirements necessary for the creation and implementation of a sustainable Housing Authority for the Torres Strait.

The terms of reference include:

- Purpose
- Working group
- Organisational structure
- Responsibilities
- Business model
- Partnerships
- Risks

3. PURPOSE OF A HOUSING AUTHORITY

The Torres Strait Housing Authority would be established to give Indigenous Torres Strait people the authority to make decision in relation to housing in the Torres Strait for Torres Strait people.

4. WORKING GROUP

Form a stakeholder working group to oversee the development of the Authority. Committee should comprise:

- TSIRC Mayor – joint chair/sponsor
- Torres Strait Shire – joint chair/sponsor
- Representative of the Department of Housing and Public Works
- Deputy Mayor/s
- Three Councillors – as nominated by Councils
- Representative of TSIRC Housing Department
- Representative of Torres Strait Shire Housing Department
- (Representative of the Department of Local Government)
- Representative of building industry

- Representative of a lender group

The role of the Working Group would be to:

1. Explore housing authority models;
2. Confirm the Housing Authority's aim to generate at least 50 additional community housing by 2025;
3. Ensure that those who will be affected have the opportunity to have their say;
4. Develop terms of reference for meetings.

5. ORGANISATIONAL STRUCTURE

The Torres Strait Housing Authority would operate as a not-for-profit organisation with an independent board appointed by the Minister for Housing and Public Works, Minister for Digital Technology and Minister for Sport.

5. RESPONSIBILITIES OF THE AUTHORITY

The authority will be responsible for developing the following:

- a sound business model covering all aspects of the business of delivering community housing, including governance, administration, finance, legal, human resources, policy, processes and procedures, stakeholder engagement, new houses, tenancy management, asset management and repairs and maintenance;
- a local-based approach to supporting Indigenous housing, including the establishment of local community-based delivery centres;
- new sub-divisions to support new houses;
- opportunities for local Torres Strait people and businesses to deliver as much as possible of the construction, repairs and maintenance and associated services work;
- opportunities for private sector investment, including liaising with funding institutions, such as Indigenous Business Australia and commercial lenders;
- streamlined systems to expedite land leasing arrangements to support new houses;
- a financial model that includes a number of funding sources including Commonwealth Government, Queensland Government and private sector;
- a financial model for rent assistance for non-Centrelink pension recipients;
- a financial model for home loans for Indigenous people aspiring to home ownership;

- develop career programs for Torres Strait employment across all facets of housing;
- develop and review key milestones, performance indicators and timeframes for delivery;
- independently assess longer term financial implications of all stakeholders and make recommendations to the Minister for Housing on the Authority's strategic direction, budget, assets and workforce.

6. BUSINESS MODEL

The Housing authority model would act as an independent social business and would require:

- Tax status to be determined (i.e with Public Benevolent Institution status);
- Be incorporated;
- Develop business activity portfolio, i.e:
 1. Develop a strategic plan that supports the federal and State's community and Indigenous housing strategies;
 2. Provide affordable social rental homes;
 3. Build new housing to support population growth and social changes;
 4. Provide Torres Strait people with opportunities to prosper through home ownership.

7. PARTNERSHIPS

The Housing Authority would partner with the private and not-for-profit sectors to finance, develop and deliver affordable housing.

Proposed partners:

- Federal Government
- Queensland Government
- Torres Strait Regional Authority
- Other community housing organisations
- Private contractors and builders
- Investors

8. RISKS

- Access to funding
- Changes to budgetary and/or financial criteria
- National developments in the housing sector
- Governmental reforms (reporting, procurement, boundaries, etc)
- Councils' vision and strategic direction
- Audit findings and recommendations

9. TIMEFRAME

Council is working towards establishing the authority as an independent community housing provider by 1 July 2021.

TSHA would be limited by guarantee registered under the Corporations Act 2001 as applies through the Australian Charities and Not-for-profits Commission Act 2012.

DRAFT

TORRES STRAIT HOUSING AUTHORITY MODEL

GOVERNANCE

The Torres Strait Housing Authority (TSHA) to be a not-for-profit organisation regulated by the Housing Act 2003, the Residential Tenancies and Rooming Accommodation Act 2008 (Queensland) and the Housing Regulation 2015.

TSHA is committed to creating healthy and sustainable communities for Torres Strait families. TSHA has a long-term commitment to providing housing to the communities and are continually looking at new housing delivery methods and sustainable practices.

As a registered community housing provider, TSHA is regulated under the National Regulatory System for Community Housing and is subject to the Community Housing Providers National Law.

TSHA to have access to shared governance and management resources of the Queensland Department of Housing and Public Works and through the Department, resources from the Federal Government.

Under the Housing Regulation 2015, TSHA would be governed by a Board of Directors in accordance with other appropriate laws and regulations.

The Board would have an oversight role in setting strategic direction for Community Housing and monitoring how it is meeting these objectives through accountable business outcomes and sound organisational performance

REPORTING FRAMEWORK

TSHA will report directly to the Minister for Housing Minister for Digital Technology and Minister for Sport.

FUNDING

TBC

BOARD

The Board will:

- ensure that TSHA performs its functions in a proper and efficient manner that is, as far as practicable, consistent with sound commercial practices
- make decisions on organisational direction and strategy, through its Corporate Plan and policies
- develop and review key milestones, performance indicators and timeframes for delivery

PROPOSED BOARD OF DIRECTORS

- TSIRC Mayor – Chair
- TSIRC Chief Executive Officer - or representative - Deputy Chair
- Three Councillors – one per Cluster, nominated by Council
- Representative of Department of Aboriginal and Torres Strait Partnerships

- Representative of the Department of Housing and Public Works
- Representative of Department of Natural Resources, Mines and Energy
- Representative of building industry
- Representative of a lender body

SENIOR LEADERSHIP TEAM

- Managing Director
- The Managing Director is responsible for conducting the operational affairs of TSHA in accordance with the Housing Act and any policies determined by, and directions given by, the Board.
- The Managing Director oversees strategic direction, organisational structure, staff, performance and relationships with key stakeholders.
- Senior Management Group assists the Managing Director to ensure DHA fulfils its role in accordance with the DHA Act. The SEG provides leadership, guides performance, implements and delivers against the Corporate Plan and ensures accountability of DHA's activities.

PORTFOLIO

- Indigenous housing and tenancy management
- Disability accommodation
- Homelessness services
- Property maintenance
- Design and construction
- Project services
- Homelessness services
- Support home ownership programs
- Provide opportunities for local Torres Strait people and businesses to deliver as much as possible of the construction, repairs and maintenance and associated services work

RESPONSIBILITIES OF THE AUTHORITY

The authority will be responsible for developing:

- Its status as independent, incorporated social business with its Tax status to be determined (i.e with Public Benevolent Institution status);
- a housing action plan that supports the federal and State's community and Indigenous housing strategies;
- a business model covering all aspects of the business of delivering community housing, including governance, administration, finance, legal, human resources, policy, processes and procedures, stakeholder engagement, new builds, tenancy management, asset management and repairs and maintenance;
- a financial model that would include a number of funding sources including Commonwealth Government, Queensland Government and private sector;

- a local-based approach to Indigenous housing, including the establishment of local community-based delivery centres;
- opportunities for private sector investment, including liaising with funding institutions, such as Indigenous Business Australia and commercial lenders;
- develop career programs for Torres Strait employment across all facets of housing;
- streamlined systems to expedite land leasing arrangements to support new houses;
- TSHA will bring together housing strategy, asset management and service delivery functions previously provided separately by Torres Strait Island Regional Council and the Queensland Department of Housing and Public Works.
- Public housing tenants will see no change in their current arrangements, except for the name of the housing provider.

PARTNERSHIPS

The Housing Authority would partner with the private and not-for-profit sectors to finance, develop and deliver affordable housing.

Proposed partners:

- Federal Government
- Queensland Government
- Torres Strait Regional Authority
- Other community housing organisations
- Private contractors and builders
- Investors
- Torres Strait Shire

RISKS

- Access to funding
- Changes to budgetary and/or financial criteria
- National developments in the housing sector
- Governmental reforms (reporting, procurement, boundaries, etc)
- Councils' vision and strategic direction
- Audit findings and recommendations

TIMEFRAME

Council is working towards establishing the authority as a community housing provider by 1 July 2021.

NEXT

The next goal is the establishment of the Authority, its priorities and structure.

Delivery of housing services in the Torres Strait SWOT analysis

TSIRC

STRENGTHS	WEAKNESSES
Registered nationally as community housing provider for Queensland	Level of aged debts
Application for housing – policy, procedure and processes in place	300 families on wait list (Register of Need)
Numerous housing stock – 850 habitable dwellings	Ageing stock Lowering of overall condition
Mostly appropriate to needs	Several vacant and abandoned dwellings Abandoned properties with Traditional Owners disputes, not freeing up abandoned dwellings
Diverse housing stock – bedroom numbers up to seven	Overcrowding - however Many instances of single people living in 3 to 6-bedroom size house
New housing being built	Several new houses vacant due to disputes over who should be tenant
Affordable community sector rent 73% rent collection across TSIRC	Tenants still not paying full rent
Rent review process in place Rent procedures in place	Large amount of current (under 90 days) rental debts in some divisions
Rent arrears recovery policy and procedures	Need to progress the management of doubtful debts
Cohesive Housing team with one officer on each division except Boigu	Travelling officer for Boigu
Funding from Federal/State Governments for new housing – 2019-2010 \$2.5M	Funding not proportioned to number on Register of Need
Availability of land and development of access services (power, water, driveway)	Degradation of landscape, water shortage
24 hrs Blue phone connection for repairs and maintenance (R&M)	Delivery of repairs and maintenance managed by Brisbane, not locally
Continuous improvement in R&M processes	Turnaround of standard R&M still too long, up to 12 months in some cases
First right of refusal for maintenance and upgrade job cards	Stuck with some contractors
Ongoing policies and procedures to address current issues	Disturbance concerns
	Domestic violence leading to homelessness

OPPORTUNITIES	THREATS
Increase rent collection to 80%	Inability for HO to speak to tenants about debts when tenant related to HO
Ongoing improvement of Housing Officers skills	Conflict of interest in relation to land and infrastructure upgrades
Improve relationship with PBC	Changing demographics (i.e ageing population)
Improve communication with QBuild	Further degradation of environment

More job opportunities and apprenticeships for locals	Homelessness and overcrowding increase
Business opportunity in delivering R&M for new home owners at targeted price	Staff changes in BSU - instability
Water and mixed-use rate can be levied for business run from home	Uncertainty of staff contracts
Register of OT-modified homes	More occupational therapy needs requiring more funding
2020-21 funding	Decreased funding over 10 years
Workshop amended allocation policy referring to PNG applicants	PNG Nationals – unknown situation in regards to housing

HOUSING AUTHORITY

STRENGTHS	WEAKNESSES
One central regional housing provider	Require to apply as housing provider – resources consuming
Located and managed in the Torres Strait by Torres Strait people	Cost of setting up entity
Name recognition	Location of headquarters may be disputed
Delivery of repairs and maintenance managed locally	Too large, too administrative
Home ownership centralised administration	Maintenance and upgrade works by winning tender; Council may not get the jobs
	Removed from on-the-ground knowledge
	Aged debts will need to be carried over
	Cost of insurance premiums
	Lack of interest by insurers to insure property in the Torres Strait
	Cost of installing tenancy management software

OPPORTUNITES	THREATS
Include other housing providers	Amalgamation of positions into clusters; lack of on-the-ground knowledge
Include other stakeholders, private sector (builders, architects) increase skills and knowledge	Loss of jobs in Housing and Building Services
Increased number of housing stock (+ Torres Shire and other jurisdictions)	Lack of job opportunities
Additional government funding for region (\$xxx for Torres Shire)	Composition of management group: potential disputes
Investments from private providers (public - private partnership and financial institutions)	Private sector's aim different from community service needs
Diverse housing stock: better designs to suit changing climate condition	Reduced funding due to amalgamation of housing providers
Designed to suit ageing population	Lack of available vacant land
Improvement in data collection for future housing planning	Different systems than used by TSIRC
PBC involved more – reduced vacant houses	All policies/procedures may be replaced
Develop action group for tenant safety (family violence, noisy neighbours)	Influx of outsiders staying permanently

Involvement of other jurisdictions for effective climate change action (Environment agencies)	Contractors and apprenticeship positions given to outsiders
Tourism development	Water shortage
Recognition of the region	Water access management
Better control of PNG Nationals housing situation (Federal Government as Stakeholder)	
Lending capacity for home ownership – affordable home ownership	
Capacity for crisis homelessness support	

The Evidence Guidelines table

Performance outcome 1: Tenant and housing services

The local government is fair, transparent and responsive in delivering housing assistance to tenants, residents and other clients

QSR SCH Evidence Guidelines – Registration requirements for local governments (Must be met to demonstrate capacity to comply)				LGAQ Guidance note for local governments	Evidence required for Compliance (Once registration is attained)
Column 1 Performance requirements	Column 2 Performance indicators	Column 3 Thresholds	Column 4 Suggested evidence sources to demonstrate capacity to comply with the QSR SCH	Column 5 LGAQ suggests the systems and documents referenced in this section could contain information which may assist local governments to meet the QSR SCH requirements	Column 6 Compliance with QSR SCH Suggested evidence sources to demonstrate ongoing compliance with the QSR SCH
1a: Determining and managing eligibility, allocation and termination of housing assistance	Local governments make information about tenancy management policies and procedures available to applicants/tenants in a variety of formats	Local governments ensure: <ul style="list-style-type: none"> All applicants/ tenants/residents receive information to enable them to make informed decisions and to understand decisions made by the local government The policies and procedures are applied consistently to ensure there are no significant and ongoing or repeated failures to treat applicants/ residents/tenants fairly and transparently 	Tenancy management policies & procedures which include: <ul style="list-style-type: none"> The process to determine eligibility, allocation, charges, complaints, appeals and termination of tenancy Documents, such as brochures, booklets or information kits, that are provided to applicants, tenants/residents and other stakeholders May be requested: <ul style="list-style-type: none"> Standard letters and forms to applicants and tenants/residents used in tenancy management Outsourcing agreement (if applicable) 	Potential source documents include: <ul style="list-style-type: none"> Tenant Information kit/brochures/information sheets Policies in relation to: <ul style="list-style-type: none"> Eligibility Allocations Transfer Starting a tenancy Complaints/appeals Feedback Termination of tenancies Tenancy Succession Rights 	<ul style="list-style-type: none"> Tenancy management policies and procedures where there has been a significant change Evidence that significant changes in policies and procedures have been communicated to tenants/residents (e.g. letters to tenants/residents, brochures, posters) Record of feedback from residents/tenants and response or action
	Local governments manage its housing assistance in accordance with its policies and the legal and policy requirements relating to Queensland community housing providers	Local governments ensure: <ul style="list-style-type: none"> The policies and procedures are applied so there are no significant and ongoing or repeated failures to manage housing assistance in accordance with Queensland policy and legal requirements Tenancy management policies and procedures reference legal and Queensland policy requirements, where appropriate 	<ul style="list-style-type: none"> Tenancy management policies and procedures Internal audit or compliance processes 	<p>Existing source documents include:</p> <ul style="list-style-type: none"> Annual Operational Plan & Reports <ul style="list-style-type: none"> s104 LGA s174 -175 LGR <p>Potential source documents include:</p> <ul style="list-style-type: none"> Legislative/Contract compliance systems e.g. <ul style="list-style-type: none"> RTA, Privacy and funding contracts OSHS Policies and Procedures Community Housing Rent Policy Indigenous Community Housing Rent Policy Indigenous Housing Tenancy Management Policy Framework 	<ul style="list-style-type: none"> Tenancy management policies and procedures where there has been a significant change Tenancy data Complaints data Appeals data <p>Other sources</p> <ul style="list-style-type: none"> Decisions of appeals/reviews in relevant tribunals or bodies Record of complaints and notifications

QSRSCH Evidence Guidelines – Registration requirements for local governments (Must be met to demonstrate capacity to comply)				LGAQ Guidance note for local governments	Evidence required for Compliance (Once registration is attained)
Column 1 Performance requirements	Column 2 Performance indicators	Column 3 Thresholds	Column 4 Suggested evidence sources to demonstrate capacity to comply with the QSRSCH	Column 5 LGAQ suggests the systems and documents referenced in this section could contain information which may assist local governments to meet the QSRSCH requirements	Column 6 Compliance with QSRSCH Suggested evidence sources to demonstrate ongoing compliance with the QSRSCH
1b: Determining and managing rents	Local governments make information about its policies and procedures relating to how it determines and manages rents, available in a variety of formats	Local governments ensure: <ul style="list-style-type: none"> All applicants/tenants/ residents receive information to enable them to make informed decisions and to understand options The policies and procedures are applied so there are no significant and ongoing or repeated failures to treat applicants and residents/tenants fairly and transparently 	<ul style="list-style-type: none"> Rent policies and procedures Documents such as brochures, booklets or information kits, that are provided to applicants, tenants/residents and other stakeholders <p>May be requested:</p> <ul style="list-style-type: none"> Standard letters and forms to applicants and tenants/residents used in tenancy management Outsourcing agreement (if applicable) 	<p>Potential source documents include:</p> <ul style="list-style-type: none"> Policies in relation to: <ul style="list-style-type: none"> Rent Setting Rent Reviews Rent Collection Rent Arrears Tenant Information kit/systems Tenant Feedback Systems 	<ul style="list-style-type: none"> Rent policies and procedures where there has been a significant change Evidence that significant changes in policies and procedures have been communicated to tenants/residents Records of feedback from residents/tenants and response or action
	Local governments manage rent in accordance with the specific legal and policy requirements relating to Queensland Government Housing Agency (DHPW), community housing providers	Local governments ensure: <ul style="list-style-type: none"> Tenancy management policies and procedures reference legal and Queensland Government Housing Agency (DHPW) policy requirements where appropriate All tenants/residents are charged rent in accordance with current Queensland Government Housing Agency (DHPW) policy requirements 	<ul style="list-style-type: none"> Rent policies and procedures <p>May be requested:</p> <ul style="list-style-type: none"> Sample tenancy/residency agreements 	<p>Potential Source documents include:</p> <ul style="list-style-type: none"> Legislative/Contract compliance systems e.g. <ul style="list-style-type: none"> RTA, Privacy and funding contracts 	<ul style="list-style-type: none"> Rent policies and procedures where there has been a significant change Tenancy data Complaints data Appeals data <p>Other sources</p> <ul style="list-style-type: none"> Decisions of appeals/reviews in relevant tribunals or bodies Record of complaints and notifications
1c: Setting and meeting relevant housing service standards	Local governments communicate and monitor what tenants and residents can expect from the service	Local governments ensure: <ul style="list-style-type: none"> Standards address housing service operating hours, privacy and confidentiality, conduct and communication and response times (e.g. response times relating to enquiries, maintenance and complaints) 	<ul style="list-style-type: none"> Service charter or relevant policies and procedures 	<p>Potential source documents include:</p> <ul style="list-style-type: none"> Service charter Policies and procedures regarding or relating to service standards. May need to explain/develop service charter addressing: <ul style="list-style-type: none"> Privacy Office Opening hours Response times for maintenance Tenant Information kit/systems 	<ul style="list-style-type: none"> Service charter or relevant policies and procedures where there has been a significant change Complaints data <p>May be requested</p> <ul style="list-style-type: none"> Records that demonstrate the provider monitors the implementation and effectiveness of the service charter or relevant policies and procedures

QSRSCH Evidence Guidelines – Registration requirements for local governments (Must be met to demonstrate capacity to comply)				LGAQ Guidance note for local governments	Evidence required for Compliance (Once registration is attained)
Column 1 Performance requirements	Column 2 Performance indicators	Column 3 Thresholds	Column 4 Suggested evidence sources to demonstrate capacity to comply with the QSRSCH	Column 5 LGAQ suggests the systems and documents referenced in this section could contain information which may assist local governments to meet the QSRSCH requirements	Column 6 Compliance with QSRSCH Suggested evidence sources to demonstrate ongoing compliance with the QSRSCH
1d: Supporting tenant and resident engagement	Local governments involve tenants and residents in the planning and delivery of housing services in a variety of accessible ways	Local governments ensure: <ul style="list-style-type: none"> All tenants/residents are provided appropriate opportunities to be involved in the planning and delivery of housing services 	<ul style="list-style-type: none"> Tenant/resident engagement policies and procedures or strategy Local government five year corporate plan that incorporates tenant and resident engagement opportunities 	<p>Existing source documents include:</p> <ul style="list-style-type: none"> Annual report s182 and s199 LGR 5 year corporate plan s199 (if applicable) Annual Operational Plan & Reports s104 LGA s174 -175 LGR <p>Potential source documents include:</p> <ul style="list-style-type: none"> Policies and procedures in relation to tenant engagement: <ul style="list-style-type: none"> Tenant Information kit/systems Tenant engagement strategy Tenant Communication 	<ul style="list-style-type: none"> Annual report Tenant/resident engagement policies and procedures or strategy where there has been a significant change Records of tenant/resident engagement (e.g. tenant/resident meetings, consultations) and actions taken as a result Local government five year corporate plan that incorporates tenant engagement Annual operational plan and the annual assessment
	Local governments promote appropriate opportunities for tenants and residents to be involved in their community	Local governments ensure: <ul style="list-style-type: none"> All tenants/residents are made aware of appropriate opportunities to be involved in their community 	<ul style="list-style-type: none"> Tenant/resident engagement plans/strategy and/or policies and procedures 	<p>Potential source documents include:</p> <ul style="list-style-type: none"> Policies and procedures in relation to tenant engagement: <ul style="list-style-type: none"> Tenant Information kit/systems Tenant engagement strategy Tenant Communication 	<ul style="list-style-type: none"> Annual report Tenant/resident engagement plans/strategy and/or policies and procedures where there has been a significant change
	Local governments obtain feedback from tenants and residents on its services, and consults with them on proposals that will affect them	Local governments ensure: <ul style="list-style-type: none"> All tenants/residents are provided appropriate opportunities to provide feedback and to be consulted 	<ul style="list-style-type: none"> Tenant/resident engagement plans/strategy and/or policies and procedures Feedback mechanisms <ul style="list-style-type: none"> e.g. written surveys, suggestion box, verbal feedback sought during tenant/resident contact 	<p>Potential source documents include:</p> <ul style="list-style-type: none"> Tenant Feedback Systems 	<ul style="list-style-type: none"> Annual report Tenant/resident engagement policies and procedures or strategy where there has been a significant change Records of tenant/resident engagement (e.g. tenant/resident meetings, consultations) Complaints data Appeals data
1e: Facilitating access to support for social housing applicants and tenants with complex needs	Local governments establish and maintain arrangements that are adequate to ensure tenants and residents with support needs receive appropriate support, if relevant and where available, to maintain their tenancies		<ul style="list-style-type: none"> Business plan Tenant/resident support facilitation policies and procedures including responding to changing resident/tenant needs List of current or proposed partnership arrangements through which support is facilitated for residents and tenants in need 	<p>Potential source documents include:</p> <ul style="list-style-type: none"> Support partnerships 	<ul style="list-style-type: none"> Tenant/resident support facilitation policies and procedures where there has been a significant change Annual report Complaints data Appeals data Support data

QSRSCH Evidence Guidelines – Registration requirements for local governments (Must be met to demonstrate capacity to comply)				LGAQ Guidance note for local governments	Evidence required for Compliance (Once registration is attained)
Column 1 Performance requirements	Column 2 Performance indicators	Column 3 Thresholds	Column 4 Suggested evidence sources to demonstrate capacity to comply with the QSRSCH	Column 5 LGAQ suggests the systems and documents referenced in this section could contain information which may assist local governments to meet the QSRSCH requirements	Column 6 Compliance with QSRSCH Suggested evidence sources to demonstrate ongoing compliance with the QSRSCH
1f: Managing and addressing complaints and appeals relating to the provision of housing services	Local governments ensure information is readily available and promoted to tenants regarding the complaints and appeals process	Local governments ensure: <ul style="list-style-type: none"> All applicants, tenants /residents receive information to enable them to make informed decisions about how to manage complaints and appeals 	<ul style="list-style-type: none"> Complaint and appeal policies and procedures Documents, such as brochures, booklets or information kits, that are provided to applicants, tenants /residents and other stakeholders 	<p>Existing source documents include:</p> <ul style="list-style-type: none"> Complaints system s268 LGA <p>Potential source documents include:</p> <ul style="list-style-type: none"> Tenant Feedback System Tenant Information kit/systems Service Charter 	<ul style="list-style-type: none"> Complaint and appeal policies and procedures where there has been significant change Complaints data Appeals data
	Local governments manage complaints and appeals promptly and fairly	Local governments ensure: <ul style="list-style-type: none"> Complaints and appeals are managed so that there are no significant and ongoing or repeated failures in dealing with them promptly or fairly 	<ul style="list-style-type: none"> Complaint and appeal policies and procedures Service charter or relevant policies and procedures 	<p>Potential source documents include:</p> <ul style="list-style-type: none"> Complaints system s268 LGA 	<ul style="list-style-type: none"> Complaint and appeal policies and procedures where there has been significant change Complaints data Appeals data An effective complaints management process including written policies and procedures
	Local governments regularly monitor the effectiveness of its complaints and appeals system	Local governments ensure: <ul style="list-style-type: none"> That the type, number and outcomes of complaints and appeals are reviewed regularly to inform the fair, transparent and responsive delivery of the complaints and appeals system 	<ul style="list-style-type: none"> Complaint and appeal policies and procedures Reports that monitor and review the complaints and appeals received and identify the outcomes Minutes of meetings that discuss complaints and appeals received that relate to the provision of housing services 	<p>Existing source documents include:</p> <ul style="list-style-type: none"> Complaints system s268 LGA Record of administrative action complaints s306 LGR 	<ul style="list-style-type: none"> Business planning documents Annual report Complaint and appeal policies and procedures where there has been significant changes
1g: Maintains satisfaction with the overall quality of housing assistance	Local governments maintain a satisfactory level of tenant and resident satisfaction	Local governments ensure: <ul style="list-style-type: none"> Housing assistance is delivered so there is no significant and ongoing or repeated dissatisfaction with the overall quality of services provided Satisfaction rate with the overall quality of services $\geq 75\%$ 	<p>Feedback mechanisms</p> <ul style="list-style-type: none"> e.g. written surveys, suggestion box, verbal feedback sought during tenant/resident contact 	<p>Existing source documents include:</p> <ul style="list-style-type: none"> Record of administrative action complaints s306 LGR <p>Potential source documents include:</p> <ul style="list-style-type: none"> Tenant engagement and feedback mechanisms. 	<ul style="list-style-type: none"> Business planning documents Annual report Records of tenant/resident feedback (e.g. tenant/resident meetings, consultations) and actions taken as a result Complaints data Appeals data

Examples and notes

The provider makes its tenancy management policies and procedures available in a variety of formats: Information about eligibility, allocation and ongoing tenancy/residency management processes is made available to applicants and residents/tenants to ensure the local governments processes are transparent and readily understood:

- Similarly, information about internal complaints and appeals processes is provided to residents/tenants
- This information can be communicated through a range of media such as (but not limited to) brochures, booklets, information kits, posters, audio and website.

Complaints and appeals data: The complaints and appeals data is regularly analysed/reviewed to ensure there are no significant and ongoing repeated failures to treat applicants and residents fairly and make improvements to processes where appropriate.

Performance outcome 2: Housing assets

The local government manages its community housing assets in a manner that ensures suitable properties are available now and in the future

QSR SCH Evidence Guidelines – Registration requirements for local governments (Must be met to demonstrate capacity to comply)				LGAQ Guidance note for local governments	Evidence required for Compliance (Once registration is attained)
Column 1 Performance requirements	Column 2 Performance indicators	Column 3 Thresholds	Column 4 Suggested evidence sources to demonstrate capacity to comply with the QSR SCH	Column 5 LGAQ suggests the systems and documents referenced in this section may contain information which may assist to meet the QSR SCH requirements	Column 6 Compliance with QSR SCH Suggested evidence sources to demonstrate ongoing compliance with the QSR SCH
2a: Determining changing housing needs and planning asset acquisitions, disposals and reconfiguration to effectively respond (strategic asset management)	Local governments plan for how they manage housing assets to optimise outcomes on financial investment, service delivery and meeting housing needs		<ul style="list-style-type: none"> • Business planning policies • Asset management policies and procedures • Local government long-term asset management plan • Asset list 	<p>Existing source documents include:</p> <ul style="list-style-type: none"> • 5 year corporate plan s199 and reports (if applicable) • Annual report s182 and s199 LGR • Local Government long-term asset management plan s104 LGA s167 – 168 LGR <p>Potential source documents include:</p> <ul style="list-style-type: none"> • NRS financial performance report • Asset Management Plan / Register • 10 year financial forecast • Annual Operational Plan • Strategic Land Use Planning 	<ul style="list-style-type: none"> • Business planning policies • Annual report • Financial performance report • Local government long-term asset management plan • Asset list
2b: Setting and meeting relevant property condition standards	Local governments manage community housing assets in accordance with the specific legal and policy property condition requirements relevant to Queensland Government Housing Agency (DHPW) standards	<p>Local governments ensure:</p> <ul style="list-style-type: none"> • ≥70% of all community housing assets managed by the provider meets the Queensland Government Housing Agency's (DHPW), property condition standards, or other property condition standards adopted by the provider that exceed the Queensland Government Housing Agency (DHPW) standards, against which the properties were inspected • Property condition standards (e.g. star ratings) improve over time • There are no significant and ongoing or repeated failures to meet property condition standards 	<ul style="list-style-type: none"> • Asset management policies and procedures • Asset maintenance plan • Property condition standards 	<p>Existing source documents include:</p> <ul style="list-style-type: none"> • Asset Register s104 LGA and s180 LGR • Record of administrative action complaints s306 LGR • Local Government long-term asset management plan s104 LGA s167 – 168 LGR <p>Potential source documents include:</p> <ul style="list-style-type: none"> • Policies and Procedures around conditions, standards and maintenance • Asset Valuation Report and Condition Assessment used in Annual Financial Statements. 	<ul style="list-style-type: none"> • Asset management policies and procedures where there has been a significant change • Reports against the asset maintenance plan • Maintenance data • Complaints data • Appeals data: <p>Other sources:</p> <ul style="list-style-type: none"> • Decisions of appeals/reviews in relevant tribunals or bodies • Record of complaints and notifications under the Act

QSR SCH Evidence Guidelines – Registration requirements for local governments (Must be met to demonstrate capacity to comply)				LGAQ Guidance note for local governments	Evidence required for Compliance (Once registration is attained)
Column 1 Performance requirements	Column 2 Performance indicators	Column 3 Thresholds	Column 4 Suggested evidence sources to demonstrate capacity to comply with the QSR SCH	Column 5 LGAQ suggests the systems and documents referenced in this section may contain information which may assist to meet the QSR SCH requirements	Column 6 Compliance with QSR SCH Suggested evidence sources to demonstrate ongoing compliance with the QSR SCH
2c: Planning and undertaking responsive, cyclical and life-cycle maintenance to maintain property conditions (asset maintenance)	Local governments ensure: <ul style="list-style-type: none"> Properties are well maintained Maintenance is undertaken in a timely manner Maintenance work is undertaken by suitably qualified staff/contractors /consultants 	Local governments ensure: <ul style="list-style-type: none"> Cyclical and life-cycle maintenance is scoped and budget allocated Maintenance timeframes are set and met in accordance with legal requirements relevant to Queensland standards 	<ul style="list-style-type: none"> Asset management policies and procedures Asset maintenance plan Local government long term asset management plan 	Existing source documents include: <ul style="list-style-type: none"> Local Government long-term asset management plan s104 LGA s167 – 168 LGR Potential source documents include: <ul style="list-style-type: none"> Any corporate document which illustrates and encapsulates the points in column 2 	<ul style="list-style-type: none"> Asset management policies and procedures where there has been significant change Financial Performance Report (FPR) sent to local governments by the Queensland Registrar, DHPW Maintenance data Complaints data Appeals data
	Local governments provide tenants with easy-to-use information on repairs and maintenance	Local governments ensure: <ul style="list-style-type: none"> All tenants/residents receive information to enable the tenant/resident to make informed decisions about repairs and maintenance and response timeframes 	<ul style="list-style-type: none"> Asset management policies and procedures Documents, such as brochures, booklets or information kits, that are provided to applicants, tenants/residents and other stakeholders 	Existing source documents include: <ul style="list-style-type: none"> Record of administrative action complaints s306 LGR Potential source documents include: <ul style="list-style-type: none"> Tenant's Info Kit Policies and Procedures Complaints/appeals data Feedback Systems 	<ul style="list-style-type: none"> Asset management policies and procedures where there has been a significant change Complaints data Appeals data
	Local governments maintain a satisfactory level of tenant and resident satisfaction with maintenance and housing amenity	Local governments ensure: <ul style="list-style-type: none"> ≥ 75 per cent of tenants/residents are satisfied with the condition of the property ≥ 75 per cent of tenants/residents are satisfied with the maintenance of the property Records of complaints and appeals do not indicate ongoing and repeated instances of resident dissatisfaction with maintenance and/or housing amenity 	<ul style="list-style-type: none"> Feedback mechanisms 	Existing source documents include: <ul style="list-style-type: none"> 5 year corporate plan s199 (if applicable) Annual report s182 and s199 LGR Complaints system s268 LGA Local Government long-term asset management plan s104 LGA s167 – 168 LGR Potential source documents include: <ul style="list-style-type: none"> Tenant Feedback / Complaints Register Demonstration of complaints process 	<ul style="list-style-type: none"> Business planning policies Annual report Records of tenant/resident feedback (e.g. tenant/resident meetings, consultations and actions taken as a result) Complaints data Appeals data Non-compliance could potentially be picked up by complaints data and/or notifications to the Registrar

Performance outcome 3: Community engagement

Note: Local governments are not required to address this performance outcome – it is deemed to be satisfied for local governments.

The provider works in partnership with relevant organisations to provide community housing and contribute to socially inclusive communities					
Performance requirements	Performance indicators	Thresholds	Evidence sources to demonstrate capacity	LGAQ Guidance note	Evidence sources to demonstrate compliance
3a: Promoting community housing to local organisations that work with potential residents, tenants or clients	The provider engages with relevant organisations using appropriate communication tools to promote community housing and benefits of partnership	Organisations are provided with information about community housing and its benefits	PO 3 is deemed to be satisfied for local governments	Not applicable	Not applicable

Performance outcome 4: Governance

The local government is well governed to support the aims and intended outcomes of its business.

QSR SCH Evidence Guidelines – Registration requirements for local governments (Must be met to demonstrate capacity to comply)				LGAQ Guidance note for local governments	Evidence required for Compliance (Once registration is attained)
Column 1 Performance requirements	Column 2 Performance indicators	Column 3 Thresholds	Column 4 Suggested evidence sources to demonstrate capacity to comply with the QSR SCH	Column 5 LGAQ suggests the systems and documents referenced in this section may contain information which may assist to meet the QSR SCH requirements	Column 6 Compliance with QSR SCH Suggested evidence sources to demonstrate ongoing compliance with the QSR SCH
4a: Ensuring coherent and robust strategic, operational, financial and risk planning	<p>The local governments Business Unit or Team that is responsible for the delivery of the community housing program, sets and implements its strategic directions and scrutinises performance using:</p> <ul style="list-style-type: none"> Business planning Financial planning Risk management planning Business continuity planning <p>The Community Housing Business Unit or Team provides effective control of any affiliated entity arrangements (e.g. through a group structure agreement, service-level agreement, or partnership agreement or contract)</p>	<p>Local governments ensure:</p> <ul style="list-style-type: none"> The Community Housing Business Unit or Team meets regularly to provide oversight of the community housing program <p>Affiliated entity arrangements appropriately address:</p> <ul style="list-style-type: none"> Any actual or perceived conflicts of interest and conflicts of duty in relation to decision making where there are shared staff and management teams There are clear and transparent policies and/or agreements in place regarding affiliated entity arrangements where contracting or sharing services Risks in relation to reputation, governance, corporate entity and financial matters 	<ul style="list-style-type: none"> Affiliated entity arrangements, and service agreements and contracts Documented governance structure and governance policies and procedures Business planning documents that include business continuity arrangements and address risk management Local government long-term financial forecast for two years + Annual budget must include relevant measures of financial sustainability for two years + a current-year financial sustainability statement A long-term financial sustainability statement for two years + 	<p>Existing source documents include:</p> <ul style="list-style-type: none"> 5 year corporate plan s199 LGR and reports (if applicable) Annual report s182 and s199 LGR Annual Budget s199 LGR Planning, financial management and accountability. <ul style="list-style-type: none"> s34 of the Statutory Bodies Financial Arrangements Act s104 – s105 LGA and s164 – s215 LGR Internal Audit s105 of LGA + regulations 207 Record of Declaration of Conflict of Interest s173(8) Annual Operational Plan & Reports s104 LGA s174 -175 LGR Organisational Structure s196 LGA <p>Potential evidence sources include:</p> <ul style="list-style-type: none"> Council meeting minutes <ul style="list-style-type: none"> Public agenda Confirmed minutes Executive / Community Housing Business Unit meeting minutes and/or notes Public interest disclosure Register of Interest Asset Management Strategy and Policy Annual Financial Statements (may be more relevant to other PO areas) Performance reports outsourcing arrangements (housing) Where further Housing documentation is identified in legislative documents for local government – please provide (e.g. Housing Strategy, funding plan) <p>Indigenous Councils:</p> <ul style="list-style-type: none"> The Queensland Registrar, DHPW will require statement of intent / commentary on housing function(s) within their Corporate Plan; Annual Operational Plan; Budget (could be an addendum to these documents) 	<ul style="list-style-type: none"> Business planning policies Annual report Affiliated entity arrangements where there has been a significant change Governance structure and governance policies and procedures where there has been significant change Annual general meeting minutes and reports Certification or accreditation of the provider relating to recognised standards, where relevant Financial performance report sent to local governments by the Queensland Registrar, DHPW Local governments must prepare a current-year financial sustainability statement and a long-term financial sustainability statement for two years + Local government audit committee reports/minutes Sample Community Housing Business Unit or Team meeting minutes including agendas, reports on progress against plans (strategic, operational, financial and risk) and action items

QSRSCH Evidence Guidelines – Registration requirements for local governments (Must be met to demonstrate capacity to comply)				LGAQ Guidance note for local governments	Evidence required for Compliance (Once registration is attained)
Column 1 Performance requirements	Column 2 Performance indicators	Column 3 Thresholds	Column 4 Suggested evidence sources to demonstrate capacity to comply with the QSRSCH	Column 5 LGAQ suggests the systems and documents referenced in this section may contain information which may assist to meet the QSRSCH requirements	Column 6 Compliance with QSRSCH Suggested evidence sources to demonstrate ongoing compliance with the QSRSCH
4b: Ensuring effective, transparent and accountable arrangements and controls are in place for decision making to give effect to: <ul style="list-style-type: none"> • Strategic, • Operational, • Financial, and • Risk plans 	Local governments operate in accordance with a code of governance including in relation to: <ul style="list-style-type: none"> • The roles and responsibilities of the Business Unit or Team responsible for the delivery of community housing services and/or subcommittees • Decision-making processes • Managing conflicts of interest • Internal business compliance 	Local governments ensure: <ul style="list-style-type: none"> • There are no significant and ongoing or repeated failures to achieve the performance outcomes defined in the Queensland State Regulatory Code 	<ul style="list-style-type: none"> • Documented governance structure and governance policies and procedures • Business planning documentation • Schedule of delegations • Code of governance • Conflict of interests policies and procedures • Standing financial instructions and key financial reporting requirements • Examples of Community Housing Business Unit or Team meeting minutes including agendas, reports on progress against plans (strategic, operational, financial and risk) and action items • A current-year financial sustainability statement • A long-term financial sustainability statement for two years + 	Existing source documents include: <ul style="list-style-type: none"> • 5 year corporate plan s199 LGR and reporting (if applicable) • Organisational Structure s196 LGA • Annual report s182 and s199 LGR • Internal Audit s105 of Local Government act + regulations 207 • Registers of Interests s289 – 297 LGR Schedule 4 LGR • Councillor material interest s172 LGA • Record of Declaration of Conflict of Interest s173(8) • Council minutes s272 LGR12 • Delegations Register s260LGA s 305LGR • Internal Audit s105 of Local Government act + regulations 207 • Planning, financial management and accountability. s34 of the Statutory Bodies Financial Arrangements Act and s104 – s105 LGA and s165 – s215 LGR e.g.: <ul style="list-style-type: none"> – Annual Operational Plan & Reports – Internal Audit Revenue Statement – Financial Report – Financial sustainability Statement – Debt Policy – Investment Policy Potential evidence sources include: <ul style="list-style-type: none"> • Policies around financial management • Conflicts of Interest of Senior staff (CEO/CFO) • Ascertain subcommittees in relation to housing / community housing (any subsequent documentation e.g. minutes of such meetings) 	<ul style="list-style-type: none"> • Business planning policies • Annual report • Governance code, structures, policies and procedures where there has been a significant change • Schedule of delegations where there has been a significant change • Conflict of interest register or record • Local governments must prepare a current-year financial sustainability statement and a long-term financial sustainability statement for two years + • Audit committee reports/minutes
4c: Complying with legal requirements and relevant government policies	Local governments have a system in place to ensure compliance with all applicable legal requirements and relevant government policies	Local governments ensure: <ul style="list-style-type: none"> • There are no significant and ongoing or repeated failures to meet legal requirements and relevant government policies • Any instance of non-compliance is dealt with in a prompt and effective manner 	<ul style="list-style-type: none"> • Systems or processes for monitoring compliance with legal requirements and relevant government policies • Policies and procedures or processes for ensuring staff understand and comply with legal requirements and relevant government policies (such as training) • Local government audit committee reports/minutes 	Existing source documents include: <ul style="list-style-type: none"> • Annual report s182 and s199 LGR • Internal Audit s105 of Local Government act + regulations 207 	<ul style="list-style-type: none"> • Records that confirm the provider is complying with legal requirements and relevant government policies (such as a report of compliance to the Community Housing Business Unit or Team), Annual report • Audit committee reports/minutes • Local government audit committee reports/minutes

Note: Local governments are not required to address this performance outcome – it is deemed to be satisfied for local governments.

Performance requirements	Performance indicators	Thresholds	Evidence sources to demonstrate capacity	LGAQ Guidance note	Evidence sources to demonstrate compliance
4d: Ensuring that the governing body has members with appropriate expertise or that such expertise is available to the governing body	<p>The provider has fair and transparent processes in place to ensure the governing body has members with, or access to, an appropriate range of skills and knowledge to deliver on its business plan and manage the risks in its business, including in relation to:</p> <ul style="list-style-type: none"> – Recruitment and selection – Induction – Professional development – Succession – Engaging external expertise – Remuneration – Performance assessment of the governing body 	<ul style="list-style-type: none"> • The business plan includes maintaining an appropriate governance structure, skills and knowledge • There is a clear process for identifying and acquiring the skills and knowledge needed for effective governance in the context of its business plan • The governing body accesses external advice, independent of the provider's management, where appropriate 	PO 4d is deemed to be satisfied for local governments	Not applicable	Not applicable

Examples and notes

Reports to the Business Unit or Team responsible for overseeing the delivery of community housing: Reports in key operational areas assist the Business Unit or Team managing local government community housing to make informed decisions.

- A review of reports considered by the Business Unit or Team assists to ascertain whether the housing provider receives appropriate information for the size and scope of its operation. Reports may be from internal or external sources.

Schedule of delegations: The local government is required to have approved policies and procedures in place relating to governance, which details the responsibilities of the Business Unit or Team for decision-making. Delegations are in place that authorise decision making for the Business Unit or Team and management and operational staff.

Performance outcome 5: Probity

The local government maintains high standards of probity relating to its business operations

QSRSCH Evidence Guidelines – Registration requirements for local governments (Must be met to demonstrate capacity to comply)				LGAQ Guidance note for local governments	Evidence required for Compliance (Once registration is attained)
Column 1 Performance requirements	Column 2 Performance indicators	Column 3 Thresholds	Column 4 Suggested evidence sources to demonstrate capacity to comply with the QSRSCH	Column 5 LGAQ suggests the systems and documents referenced in this section may contain information which may assist to meet the QSRSCH requirements	Column 6 Compliance with QSRSCH Suggested evidence sources to demonstrate ongoing compliance with the QSRSCH
5a: Establishing and administering a code of conduct	Local governments have in place a code of conduct designed to ensure it maintains high standards of probity, (or is supported by additional policies and procedures), including in relation to: <ul style="list-style-type: none"> Whistle-blowing Conflict of interest Gifts and hospitality Procurement 	Local governments ensure: <ul style="list-style-type: none"> All staff members, volunteers and contractors have provided a written undertaking that they understand and will comply with the code of conduct The code of conduct is regularly promoted There are no significant and ongoing or repeated failures to abide by the code of conduct 	<ul style="list-style-type: none"> Code of governance Code of conduct Probity policies and procedures (include whistle blowing, conflict of interest, gifts and hospitality, and procurement) 	<p>Existing source documents include:</p> <ul style="list-style-type: none"> Registers of Interests s289 – 297 LGR Schedule 4 LGR Record of written complaints about councillor conduct s181A Procurement policy s199 LGRLGA Record of administrative action complaints s306 LGR Division 6 of the Act Annual report s182 and s199 LGR Internal Audit s105 of Local Government act + regulations 207 <p>Potential source documents include:</p> <ul style="list-style-type: none"> Probity policies and procedures including: <ul style="list-style-type: none"> Whistle blowing and Gifts, Hospitality Staff code of conduct Staff training Conflict of Interest information may be redacted 	<ul style="list-style-type: none"> Code of governance and code of conduct where there has been a significant change Probity policies and procedures where there has been significant change Conflict of interests register or records Gift register or records Records of Community Housing Business Unit or Team and staff training (such as a plan or calendar) Annual report <p>May be requested</p> <ul style="list-style-type: none"> Sample of de-identified signed agreements to abide by the code of conduct
5b: Establishing and administering a system of employment and appointment checks	Local governments conduct employment and appointment checks for employees, volunteers and agents commensurate with the requirements of the position, including: <ul style="list-style-type: none"> Referee and previous employment checks Criminal record Bankruptcy Working with children Working with aged 	Local governments ensure: <ul style="list-style-type: none"> There are no significant and ongoing or repeated failures to conduct appropriate employment and appointment checks 	<ul style="list-style-type: none"> Systems or processes local governments use to undertake employment and appointment checks <ul style="list-style-type: none"> Employment checks policy and procedures 	<p>Existing source documents include:</p> <ul style="list-style-type: none"> Internal Audit s105 of Local Government act + regulations 207 <p>Potential source documents include:</p> <ul style="list-style-type: none"> HR Policies and Procedures Records in relation to recruitment and induction 	<ul style="list-style-type: none"> Annual Report Audit management letters (where they have been issued) Audit committee reports/minutes

QSR SCH Evidence Guidelines – Registration requirements for local governments (Must be met to demonstrate capacity to comply)				LGAQ Guidance note for local governments	Evidence required for Compliance (Once registration is attained)
Column 1 Performance requirements	Column 2 Performance indicators	Column 3 Thresholds	Column 4 Suggested evidence sources to demonstrate capacity to comply with the QSR SCH	Column 5 LGAQ suggests the systems and documents referenced in this section may contain information which may assist to meet the QSR SCH requirements	Column 6 Compliance with QSR SCH Suggested evidence sources to demonstrate ongoing compliance with the QSR SCH
5c: Establishing and administering a system for preventing, detecting, reporting on and responding to instances of fraud, corruption and criminal conduct	Local governments systems are consistent with good practice established by relevant anti-fraud, anti-corruption and anti-crime agencies and professional standards bodies in Queensland	Local governments ensure: <ul style="list-style-type: none"> There are no significant and ongoing or repeated instances of fraud, corruption or criminal conduct Any instance of fraud, corruption or criminal conduct is dealt with in a prompt and effective manner 	Systems and processes for detecting and responding to fraud, corruption and criminal conduct <ul style="list-style-type: none"> Fraud and corruption policy and procedures 	Existing source documents include: <ul style="list-style-type: none"> Annual report s182 and s199 LGR Internal Audit s105 of Local Government act + regulations 207 Crime and corruption Act Public Disclosure Act Potential source documents include: <ul style="list-style-type: none"> Queensland Audit Office Fraud and Risk Register 	<ul style="list-style-type: none"> Audit management letters (where they have been issued) Annual report Audit committee reports/minutes
5d: Maintaining the reputation of the community housing sector	Local governments notify the Queensland Registrar of any incident related to its operations (and its response) that damages or may damage the reputation of the community housing sector	Local governments ensure: <ul style="list-style-type: none"> There are no significant and ongoing or repeated incidents that damage or have the potential to damage the reputation of the community housing sector Any incident that damages or may damage the reputation of the community housing sector is dealt with in a prompt and effective manner Notifications are made consistent with the Queensland State Regulatory Code and the QSR SCH Notifications Guidelines 	<ul style="list-style-type: none"> Notifications policies and procedures 	Existing source documents include: <ul style="list-style-type: none"> Record of administrative action complaints s306 LGR Potential source documents include: <ul style="list-style-type: none"> <i>Housing Act 2003</i> Queensland State Regulatory Code 	<ul style="list-style-type: none"> Complaints data Appeals data Other Sources <ul style="list-style-type: none"> Record of complaints and notifications Decisions of appeals/reviews/matters in relevant tribunals, bodies or courts Decisions of other regulatory authorities Media reports Court decision

Examples and notes

Probity refers to integrity and honesty in the provider's operations and in the conduct of its Community Housing Business Unit or Team, staff and volunteers:

- The performance standards require local governments to have a code of conduct incorporating measures such as mechanisms to manage conflicts of interest and to make policy and business decisions within an ethical framework

The code of conduct describes: The behaviours and responsibilities the local government requires of its people including requirements for ethical and appropriate conduct

- Local governments code of conduct includes a signed undertaking that staff, management and volunteers have read, understood and agreed in writing to abide by the local governments code of conduct, and demonstrates the local governments commitment to guiding staff in ethical conduct. It is recommended that training of staff, governing body and volunteers includes training in the code of conduct.

Performance outcome 6: Management

The local government manages its resources in a cost-effective manner

QSRSCH Evidence Guidelines – Registration requirements for local governments (Must be met to demonstrate capacity to comply)				LGAQ Guidance note for local governments	Evidence required for Compliance (Once registration is attained)
Column 1 Performance requirements	Column 2 Performance indicators	Column 3 Thresholds	Column 4 Suggested evidence sources to demonstrate capacity to comply with the QSRSCH	Column 5 LGAQ suggests the systems and documents referenced in this section may contain information which may assist to meet the QSRSCH requirements	Column 6 Compliance with QSRSCH Suggested evidence sources to demonstrate ongoing compliance with the QSRSCH
6a: Demonstrates it utilises its housing assets and housing related funding to meet housing related business goals	Local governments have business planning processes in place which include an assessment of costs and returns on assets and funding to meet its business goals	Local governments ensure: <ul style="list-style-type: none"> Costs are controlled and, where possible, are minimised Returns (financial and/or social) are sustained and, where possible, maximised Where cost-effective opportunities for improving financial and/or social returns are identified, they are achieved 	<ul style="list-style-type: none"> Business plans Annual operational plan Annual budget Reporting and review of <ul style="list-style-type: none"> Occupancies data Vacancies data Rent arrears data Rent foregone data Tenancy turn-around times data A current-year financial sustainability statement A long-term financial sustainability statement for two years + 	<ul style="list-style-type: none"> Housing Assets only <p>Potential source documents include:</p> <ul style="list-style-type: none"> Refer to documentation stipulated in PO2: Assets 	<ul style="list-style-type: none"> Business planning policies Annual report Annual audited financial reports Financial performance report sent to local governments by the Queensland Registrar, DHPW Asset data Financial data Local government budget
6b: Implementing appropriate management structures, systems, policies and procedures to ensure the operational needs of its business can be met (including having people with the right skills and experience and the systems and resources to achieve the intended outcomes of its business)	Local governments management structure, systems and policies and procedures are fit for purpose	Local governments ensure: <ul style="list-style-type: none"> Their management structure, systems, policies and procedures are subject to: <ul style="list-style-type: none"> Regular review and enhancement, and Where significant change occurs to the scale and scope of its business 	<ul style="list-style-type: none"> Business planning documents Corporate structure and systems <ul style="list-style-type: none"> Organisational structure Policies and Procedures Position descriptions Document review schedules for: <ul style="list-style-type: none"> Policies and Procedures Website publication schedule Minutes of meetings where reviews of management structures, systems and policies were discussed 	<p>Potential source documents include:</p> <ul style="list-style-type: none"> Refer to evidence sources stated in column 4 Local government website publications: <ul style="list-style-type: none"> Statutory requirements checklist and calendar LGA 2009; LGR 2012 	<ul style="list-style-type: none"> Business planning policies Annual report Audit management letters (where issued) information about governance <p>May be requested</p> <ul style="list-style-type: none"> Methodology and the outcome of a management structure review including, systems, policies and procedures where a review has been undertaken

Performance outcome 7: Financial viability

The local government is financially viable at all times.

QSR SCH Evidence Guidelines – Registration requirements for local governments (Must be met to demonstrate capacity to comply)				LGAQ Guidance note for local governments	Evidence required for Compliance (Once registration is attained)
Column 1 Performance requirements	Column 2 Performance indicators	Column 3 Thresholds	Column 4 Suggested evidence sources to demonstrate capacity to comply with the QSR SCH	Column 5 LGAQ suggests the systems and documents referenced in this section may contain information which may assist to meet the QSR SCH requirements	Column 6 Compliance with QSR SCH Suggested evidence sources to demonstrate ongoing compliance with the QSR SCH
7a: Ensuring it has a viable capital structure	Local governments monitor and manage their capital structure to achieve their business goals	Local governments ensure: <ul style="list-style-type: none"> Capital adequacy – the provider has sufficient capital resources to be able to absorb unexpected losses and to manage adverse shocks so that it can meet its commitments to investors 	<ul style="list-style-type: none"> Business planning documents Financial planning/forecasting documents Audited financial reports Financial Performance Report (FPR) Financial viability measures data: <ul style="list-style-type: none"> Credit Review Report Financial Sustainability Review (FSR) 	<p>Existing source documents include:</p> <ul style="list-style-type: none"> 5 year corporate plan s199 (if applicable) Annual report s182 and s199 LGR Internal Audit s105 of Local Government act + regulation s207 Annual Budget s199LGR Long term financial forecasts s104 LGA s171 LGR Planning, financial management and accountability. s34 of the Statutory Bodies Financial Arrangements Act and s104 – s105 LGA and s165 – s215 LGR e.g. <ul style="list-style-type: none"> Annual Operational Plan & Reports Internal Audit Revenue Statement Financial Report Financial sustainability Statement Debt Policy Investment Policy <p>Potential source documents include:</p> <ul style="list-style-type: none"> Financial viability measures data: <ul style="list-style-type: none"> Credit Review Report Financial Sustainability Review (FSR) 	<ul style="list-style-type: none"> Business planning policies Annual report Annual audited financial reports Financial Performance Report (FPR) Audit management letter for the most recent financial year (where issued) Financial viability measures data <ul style="list-style-type: none"> Credit Review Report Financial Sustainability Review (FSR) <p>Local governments must prepare:</p> <ul style="list-style-type: none"> A current-year financial sustainability statement A long-term financial sustainability statement for two years +
7b: Maintaining appropriate financial Performance	Local governments monitor and manage their financial performance to achieve their business goals	Local governments ensure: <ul style="list-style-type: none"> Financial performance is monitored and managed for short, medium and long term viability There are no significant and ongoing or repeated instances of incidents of inappropriate financial performance and/or failure to achieve business goals due to inappropriate financial performance 	<ul style="list-style-type: none"> Business planning documents Financial planning/forecasting documents Audited financial reports Financial Performance Report (FPR) Financial viability measures data: <ul style="list-style-type: none"> Credit Review Report Financial Sustainability Review (FSR) Local government budget <ul style="list-style-type: none"> A current-year financial sustainability statement A long-term financial sustainability statement for two years + 	<p>Existing source documents include:</p> <ul style="list-style-type: none"> 5 year corporate plan s199 (if applicable) Annual report s182 and s199 LGR Long term financial forecasts s104 LGA s171 LGR Annual Budget s199LGR Planning, financial management and accountability. s34 of the Statutory Bodies Financial Arrangements Act and s104 – s105 LGA and s165 – s215 LGR e.g. <ul style="list-style-type: none"> Internal Audit Revenue Statement Financial Report Financial sustainability Statement Current and Long term financial sustainability statement s176 and s178 LG 	<ul style="list-style-type: none"> Business planning policies Annual report Annual audited financial reports Financial Performance Report (FPR) Audit management letter for the most recent financial year (where issued) Financial viability measures data <ul style="list-style-type: none"> Credit Review Report Financial Sustainability Review (FSR) Local government budget <p>Local governments must prepare:</p> <ul style="list-style-type: none"> A current-year financial sustainability statement A long-term financial sustainability statement for two years +

QSRSCH Evidence Guidelines – Registration requirements for local governments (Must be met to demonstrate capacity to comply)				LGAQ Guidance note for local governments	Evidence required for Compliance (Once registration is attained)
Column 1 Performance requirements	Column 2 Performance Indicators	Column 3 Thresholds	Column 4 Suggested evidence sources to demonstrate capacity to comply with the QSRSCH	Column 5 LGAQ suggests the systems and documents referenced in this section may contain information which may assist to meet the QSRSCH requirements	Column 6 Compliance with QSRSCH Suggested evidence sources to demonstrate ongoing compliance with the QSRSCH
7c: Managing financial risk exposure	Local governments monitor and manage their financial risk exposure to protect their financial interests and the interests of investors	Local governments ensure: <ul style="list-style-type: none"> • Opportunities for financial risks to develop are minimised • There are no significant and ongoing or repeated instances of risks developing • Any developing risks are dealt with in a prompt and effective manner 	<ul style="list-style-type: none"> • Business planning documents • Financial Performance Report (FPR) • Financial risk management policies and procedures • Financial management policies and procedures • Financial viability measures data: <ul style="list-style-type: none"> – Credit Review Report – Financial Sustainability Review (FSR) 	<p>Existing source documents include:</p> <ul style="list-style-type: none"> • 5 year corporate plan s199 LGR (if applicable) • Annual report s182 and s199 LGR • Long term financial forecasts s104 LGA s171 LGR • Record of financial management risks and control measures s164 LGR • Registers of Interests s289 – 297 LGR Schedule 4 LGR • Councillor material interest s172 LGA • Current and Long term financial sustainability statement s176 and s178 LGR 	<ul style="list-style-type: none"> • Business planning policies • Annual report • Financial Performance Report (FPR) • Financial management policies and procedures: • Financial viability measures data: <ul style="list-style-type: none"> – Credit Review Report – Financial Sustainability Review (FSR) <p>Local governments must prepare:</p> <ul style="list-style-type: none"> • A current-year financial sustainability statement • A long-term financial sustainability statement for two years + • Audit committee reports/minutes

Examples and notes

The Financial Performance Report (FPR) is an Excel workbook issued by the Queensland Registrar, Regulatory Services, DHPW which local governments are required to complete.



Maddocks

Lawyers
Collins Square, Tower Two
Level 25, 727 Collins Street
Melbourne VIC 3008
Australia

Telephone 61 3 9258 3555
Facsimile 61 3 9258 3666

info@maddocks.com.au
www.maddocks.com.au

DX 259 Melbourne

Email Letter

From Miriam McDonald	Date 1 July 2020	
Direct 03 9258 3639	Email miriam.mcdonald@maddocks.com.au	
Partner Robert Gregory		
To Marie-Claire Cull	Organisation Torres Strait Islander Regional Council	Email Marie-Claire.Cull@tsirc.qld.gov.au

Our Ref RJG:MM:8166841

Dear Marie-Claire

Social Housing Advice

We understand from the information you have provided us that the Torres Strait Islander Regional Council (**TSIRC**) is considering alternatives to the current mechanisms for the management of its public housing stock.

Currently under consideration is the establishment of a Torres Strait Housing Authority (**Authority**), a not-for-profit organisation to be responsible for delivering all aspects of community housing in the region, including new housing, and tenancy management and asset management of housing stock transferred from TSIRC to the new Authority.

In this regard, you are interested in the Victorian arrangements for the development and management of social housing by community housing organisations. The following is a summary of the Victorian scheme for the structure and regulation of this housing, together with some comment on the associated issues.

1. The *Housing Act 1983* (Vic) (**Act**) sets out the legislative framework for public housing. This includes:
 - 1.1 the statutory office of the Director of Housing, which sits within the Victorian Department of Health and Human Services.

The Director of Housing is the landlord of Victoria's public housing (government dwellings providing long-term subsidised rental accommodation to low-income disadvantaged households), with power to purchase, develop, lease and sell property. The role also encompasses tenant applications, allocation of dwellings to tenants, tenancy management and asset management (Parts II – V of the Act).

- 1.2 the statutory office of the Registrar of Housing Agencies (**Registrar**), which sits within the Department of Treasury and Finance, with responsibility for the registration and regulation of rental housing agencies (Part VIII of the Act).

There are 2 types of rental housing agencies that may be registered under the Act – a housing association and a housing provider.

2. A housing association must be a company limited by shares or guarantee and are expected to grow social housing stock. In *Our Regulatory Framework*, the Registrar describes housing associations as:

larger, more complex business with the skills, expertise and resources to manage, maintain and grow a viable social housing portfolio. They expand new housing through construction, purchase or acquisition, using a mix of government funds and private sector investment. They also manage housing properties owned by them or leased from other parties, such as the Director of Housing. (p 8)

There are currently 10 registered housing associations – see <https://chimes.force.com/publicregistrar>

3. Housing providers have greater options in their corporate structure – they may be companies limited by guarantee, incorporated associations or co-operatives. In *Our Regulatory Framework*, the Registrar describes housing providers as follows:

Housing providers range in size and primarily manage rental housing portfolios for other parties such as the Director of Housing. Some housing providers own properties, however their growth is small scale compared with housing associations. Housing providers often specialise in particular client groups which may include disability housing, aged tenants and youth housing. (p 8)

There are currently 29 registered housing providers – see <https://chimes.force.com/publicregistrar>.

4. Based on our understanding of the Authority, its intended function more akin to a housing association than a housing provider.
5. The regulatory framework of all rental housing agencies, but particularly housing associations, is focussed on the management of risk. *Our Regulatory Framework* states '(It) aims to strengthen housing agencies' capacity to attract, develop and protect capital investment and manage housing stock and tenancies.'
6. Central to the regulatory framework are the gazetted standards:
- 6.1 *Performance Standards* and the *Intervention Guidelines* and *Evidence Guidelines* – see <http://www.housingregistrar.vic.gov.au/Publications/Performance-standards-and-evidence-guidelines>.

Performance standards cover the following areas:

- 6.1.1 tenant and housing services (Indicators: eligibility, allocation and termination of assistance; rents; housing service standards; tenant and resident engagement; access to support for applicants and tenants with complex needs; complaints and appeals)
- 6.1.2 housing assets (Indicators: strategic asset management; property condition; property maintenance; asset development)
- 6.1.3 community engagement (Indicators: promotion of community housing; contributing to socially inclusive communities);

- 6.1.4 governance (Indicators: planning, decision making, compliance with legal requirements and government policies; expertise of governing body);
 - 6.1.5 probity (Indicators: code of conduct; employment and appointment; promotion and handling of improper conduct; protection of sector reputation);
 - 6.1.6 management (Indicators: effective utilisation of assets and funding; appropriate structures, systems and documentation);
 - 6.1.7 financial viability (Indicators: capital structure; financial performance; risk exposure).
- 6.2 *Intervention Guidelines* - see <http://www.housingregistrar.vic.gov.au/How-we-regulate/Investigation-and-intervention>.
7. The application process for registration as a housing association is arduous and requires detailed documentation that provides evidence that the applicant is able to meet the performance standards. We have not compared the process for registration under the National Regulatory System for Community Housing with that under the Victorian system, However that might be a useful exercise and highlight particular areas that merit further consideration and planning for the new Authority.
8. You may find it useful to discuss with housing associations directly their experiences of working within the Victorian regulatory framework. In particular, I recommend a discussion with Darren Smith, Chief Executive Officer of Aboriginal Housing Victoria Ltd (**AHV**) phone 0477 997 944, who is happy to speak with you.
- AHV was a housing provider which successfully applied to be a registered housing association. Following this, all housing stock reserved for Aboriginal tenants in Victoria owned by the Director of Housing was transferred to AHV in 3 tranches.
- Darren will have invaluable insights into the experience of the non-government housing organisation dealing with government housing authorities. In addition, he will be able to speak with you generally about:
- 8.1 the AHV experience as a housing agency under the Victorian regulatory framework;
 - 8.2 the challenge in stepping up to the greater demands of a housing association;
 - 8.3 asset management challenges of transferred stock, particularly in remote and regional areas;
 - 8.4 the challenges of finding suitably qualified tradespersons to undertake repair and maintenance work; and
 - 8.5 governance.

Our best wishes for your future plans for the Authority and meeting the challenges of housing in your region.

Yours sincerely



Miriam McDonald
Consultant