

Torres Strait Island
REGIONAL COUNCIL

AGENDA

STRATEGIC ADVISORY REFERENCE GROUP

Date: Tuesday 13th July 2021

Time: 1:00pm to 4:00pm

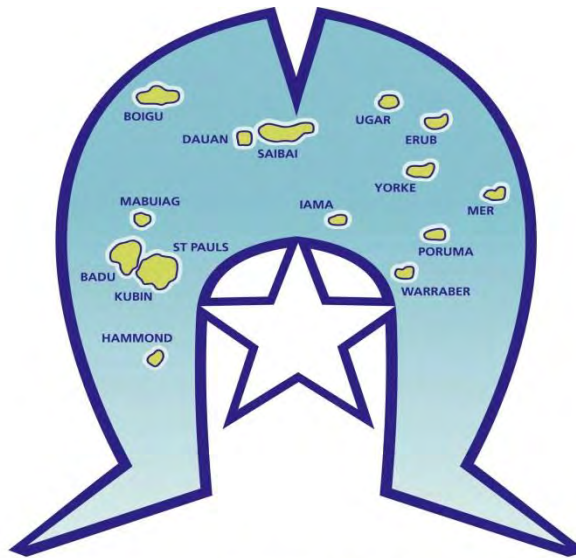
Venue: Video Conference

Agenda

1. Welcome (Chair)
2. Opening Prayer
3. Apologies
4. Conflict of Interest (COI)/ Declarable / Prescribed
5. Confirmation of Minutes - SARG Meeting – 6th April 2021 – VC
6. Strategic Action Items Review
7. **Chief Financial Officer**
 1. Community Survey – Preliminary Results (**Late**)
 2. Deputation Priority Areas (**Late**)
 3. Investigation Report
8. **Chief Engineer**
 1. Fuel Update
 2. Regional Waste Management Strategy
9. **Chief Operating Officer**
 1. Standing Agenda Item – Housing Authority Update
 2. BSU Update
 3. Local Law Enforcement Policy Report
10. **CLOSED BUSINESS**
 1. CE – Dauan Pontoon
 2. CEO – TSIRC Proposed Local Disaster Management Group - Update
 3. CEO – Sea Swift 1 – Verbal Update
 4. CEO – Sea Swift 2 – Verbal Update
 5. CEO - Elphinstone Close – Verbal Update
11. **Standing Committee Chair Update**

1. Strategic Reference Action Group –
 - Organisation Culture Change Management
2. Governance & Leadership –
 - Regional Assembly Aspirations – verbal
3. Culture Arts Land and Heritage
4. Housing and Safe and Healthy Communities
5. Climate Adaptation and Environment
6. Economic Growth

12. General/ Other Business (on notice)
13. Next meeting date – proposed for Tuesday 3rd August 2021
14. Closing Remarks and Prayer



Torres Strait Island
REGIONAL COUNCIL

MINUTES

STRATEGIC ADVISORY REFERENCE GROUP

Date: Tuesday 15th June 2021

Time: 1:05pm to 5:20pm

Venue: Video Conference

Agenda

1. Welcome (Chair)

Mayor Mosby welcomed everyone to the meeting and invited Cr Stephen to open the meeting in prayer.

2. Opening Prayer

Cr Stephen open the meeting in prayer and a minute silence was observed.

3. Apologies

- Cr Hilda Mosby – sorry business

Resolution:

Moved: Cr Noah, *Second:* Cr Noah

That SARG accepts the apology of Cr Hilda Mosby for this meeting.

All in favour

Acting Chief Executive Officer also informed the Mayor the Chief Engineer will be in attendance shortly.

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

No declaration made and Mayor encouraged everyone to make a declaration at any time.

5. Confirmation of Minutes - SARG Meeting – 6th April 2021 – VC

Resolution:

Moved: Cr Noah, *Second:* Cr Stephen

That the minutes of the April 2021 SARG Meeting be adopted as true and accurate account of that meeting.

All in favour

6. Strategic Action Items Review

Acting Chief Executive Officer, Mr David Baldwin spoke to the report and provided an update on the action items listed.

- Mualgal Holding – MLS to bring back to SARG when Legal has a response from Chris McLaughlin and Council should be guided by Cr Trinkoon and Cr Levi.
- Dr Chris Sara – SEA to again make contact with Dr Sara and reinvoke him to attend Ordinary Meeting (November)
- Update Cr Fell action – old water pumps that were taken out of houses. Cr Fell would like to know what happened to them.
- Update Lead officer from HOCAE to Legal Services

New Action – MLS - Provide SARG with an update on where the Name Change process. Cr Lui commented we had already had a deputation with the State.

- DOGIT transfer – Wait until we know what the position of the State is.

New Action – Cr Lui - ACEO to ensure when a matter /paper comes to the table for a resolution then it should be endorsed as per the proper process by Council.

- MOU with TSRA – incorporate elected arm of both parties into the document. Cr Lui asked why we can't have an MOU driven from a cultural perspective (elected leaders and how they interact). How this can be done. Need to have an overarching MOU around the different committees. Legal needs to sit with the TSRA heads.

1:26pm - Acting Chief Engineer join the meeting.

- DOGIT – Peter Krebs currently working with Allen Cunneen.
- Disaster Management Plan – currently having informal discussion with parties.

1:53pm – Chief Financial Officer leaves meeting.

TSRA Board to work with Councillors on ground. TSIRC top 5 priorities need to go to TSRA. We need to make formal request to TSRA regarding MIP7.

ACTION: ACEO to send TSRIC 5 top priorities for each Division to TSRA.

7. Chief Financial Officer

1. Risk Update – Acting CEO spoke and provided SARG with an update.

RECOMMENDATION:

Moved: Cr Stephen; *Second:* Mayor Mosby

That the Manager Risk and Ethics update the Risk Management Policy to include the role of SARG.

ALL IN FAVOUR

2:18pm – Acting Head of People and Wellbeing joined the meeting.

2. Workplace Health and Safety Update – Acting Head of People and Wellbeing, Ms Tracey Barrel spoke to the report and provide SARG with an update. SARG notes the report
3. People and Wellbeing Policy update – Acting Head of People and Wellbeing, Ms Tracey Burrell spoke to the report and briefed SARG on the 3 policies as presented;
 - Code of Conduct Policy
 - Equal Employment Opportunity Policy and
 - Recruitment Policy

ACTION: ACEO to ensure staff read and acknowledge the Policies.

Cr Lui asked why councillors were not included in the Policy. Acting Head of People and Wellbeing took on notice.

RECOMMENDATION:

Moved: Cr Noah; *Second:* Cr Stephen

That the Equal Employment Opportunity Policy be amended to include the Councillors.

ALL IN FAVOUR

2:47pm – Acting Head of People and Wellbeing leaves the meeting.

4. Community Grant Policies – verbal update

Acting Chief Executive Officer provided SARG with an update. SARG raised a few concerns and noted we don't have a set standard and there needs to be a change to the legislation to incorporate Ailan Kastom.

ACTION: ACEO to draft a letter to be send to the Minister requesting special dispensation be granted to TSIRC.

5. Funding since April 2020 Status Report – Late

Acting Chief Executive provided SARG with an update on behalf of the Chief Financial Officer.

Cr Fell raised the issue of the unsuccessful funding application and ask for them to be included in the report and the reasoning why they weren't successful. SARG notes the report.

6. Annual Update of Financial Policies

Chief Executive Officer speaks to this report on behalf of the chief Financial Officer.

RECOMMENDATION:

Moved: Cr Lui, *Second:* Cr Noah

That SARG supports, recommend and refer the following financial policies;

- Investment Policy;
 - Debt Policy;
 - Revenue Policy;
 - Fiscal Governance Policy;
 - Entertainment and Hospitality Policy;
 - Information Technology Policy; and
 - Procurement and Ethical Sourcing Policy,
- to the full Council for further discussion and endorsement at the June Ordinary Meeting.

ALL IN FAVOUR

7. Strategic External Grant Funding Policy

Acting Chief Executive Officer spoke to this report.

RECOMMENDATION:

Moved: Cr Stephen; *Second:* Cr Noah

That SARG supports and recommend this report go to the full council at the June Ordinary meeting for further discussion and endorsement.

ALL IN FAVOUR

8. Works for Queensland Projects Report

Acting Chief Engineer spoke to the report and provided SARG with an update on all the Works for Queensland Project and their status. SARG notes the report.

ACTION: Send a letter to the funding body and elevate to the elected arm. Send letter also to

- Member for Cook – Cynthia Lui
- Minister for State Development, Infrastructure, Local Government and Planning – Minister Steven Miles
- Government Champion – Minister Shannon Fentiman
- Minister for Aboriginal and Torres Strait Islander Partnerships – Minister Craig Crawford

8. Chief Engineer

1. Local Disaster Management Group Membership

Acting Chief Engineer spoke to this report and updated SARG on the status of the membership. A meeting was held with Torres Shire Council's CEO and senior staff regarding the separation and they objected to the separation plan and provided us with their position paper.

In the interim Torres Strait Local Disaster Management Group will be business as usual.

TSIRC will meet with Torres Shire for further discussion.

ACTION: Acting Chief Executive Officer to look into TSIRC having their own local disaster management group. There are 77 local government areas in Queensland and only 76 local disaster management groups.

ACTION: ACEO to submit a late report to Council at the June OM for a recommendation for the separate and a letter to the Minister requesting the separation.

9. Chief Executive Officer

1. May Councillor Strategic Development Workshop Feedback

Acting Chief Executive Officer provided a verbal feedback.

2. MOA TSRA – Legal

Senior Legal Counsel spoke to the report and provided an update. Terms of Reference – see section 142 ATSIC Act.

ACTION: Legal to capture in the MOU the Strategic direction. MOU to go to the Governance and Leadership committee for review and input.

3. MOA – Legal – ML, GBK, MNGN – verbal

Verbal update provided by Senior Legal Counsel.

4. Church use of Council Facilities – Legal

Senior legal counsel spoke to this report. Matter left lying on the table.

ACTION: Submit this report to the June OM for discussion by the full Council

10. Chief Operating Officer

1. Housing Policies

Chief Operating Officer spoke to this report

RECOMMENDATION:

Moved: Cr Fell; *Second:* Cr Noah

That SARG supports and recommend the Policy paper be put to the full Council at the June Ordinary Meeting for their consideration and or endorsement.

ALL IN FAVOUR

2. Capital Funding

Chief Operating officer spoke to this report. Discussion had around how the Housing funding will be divided.

RECOMMENDATION:

That SARG supports and recommend for this report go to the June 2021 Ordinary meeting for the full Council's consideration and or endorsement.

ALL IN FAVOUR

11. Next meeting date – proposed Tuesday 13th July 2021

12. Closing Remarks and Prayer

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

MEETING CLOSED – 5:20pm

ACTION ITEM FROM SARG MEETING – 15 June 2021

15	June	2021	SARG	VC	Strategic Action Item Review	MLS - Provide SARG with an update on where the Name Change process. Cr Lui commented we had already had a deputation with the State	Manager Legal Services	
15	June	2021	SARG	VC	Strategic Action Item Review	Cr Lui - ACEO to ensure when a matter /paper comes to the table for a resolution then it should be endorsed as per the proper process by Council	Acting CEO	
15	June	2021	SARG	VC	Strategic Action Item Review	ACEO to send TSRIC 5 top priorities for each Division to TSRA.	Acting CEO	
15	June	2021	SARG	VC	People and Wellbeing Policy	ACEO to ensure staff read and acknowledge the Policies.	Acting CEO	
15	June	2021	SARG	VC	Community Grants Policy	ACEO to draft a letter to be send to the Minister requesting special dispensation be granted to TSIRC.	Acting CEO	
15	June	2021	SARG	VC	Works for Queensland Projects	Send a letter to the funding body and elevate to the elected arm. Send letter also to <ul style="list-style-type: none"> • Member for Cook – Cynthia Lui • Minister for State Development, Infrastructure, Local Government and Planning – Minister Steven Miles • Government Champion – Minister Shannon Fentiman • Minister for Aboriginal and Torres Strait Islander Partnerships – Minister Craig Crawford 	Acting CEO	
15	June	2021	SARG	VC	TSLDMG Membership	Acting Chief Executive Officer to look into TSIRC having their own local disaster management group. There are 77 local government areas in Queensland and only 76 local disaster management groups.	Acting CEO	

15	June	2021	SARG	VC	TSLDMG Membership	ACEO to submit a late report to Council at the June OM for a recommendation for the separate and a letter to the Minister requesting the separation.	Acting CEO	
15	June	2021	SARG	VC	TSRA MOU	Legal to capture in the MOU the Strategic direction. MOU to go to the Governance and Leadership committee for review and input.	Manager Legal Services	
15	June	2021	SARG	VC	Church Use of Council Facilities	Submit this report "Church use of Council Facilities" to the June OM for discussion by the full Council	Manager Legal Services	



TORRES STRAIT ISLAND REGIONAL COUNCIL

SARG COMMITTEE REPORT

COMMITTEE MEETING:	July 2021
DATE:	13/07/2021
ITEM:	Agenda Item for the SARG
SUBJECT:	Investigation Policy
AUTHOR:	Hollie Faithfull, Chief Financial Officer

Recommendation:

That the Strategic Advisory Reference Group recommend the amendments to the Investigation Policy and support inclusion of this report at the July Ordinary Meeting:

Executive Summary:

In accordance with *Local Government Act 2009* Council is required to adopt an investigation policy. This policy was adopted by Council in April 2021 but following legislative changes later in 2021 now requires re-adoption. Regular monitoring and review of policies are necessary to reflect legislative changes, operational governance and to continuously improve Council governance.

Comment:

Section 150AE of the *Local Government Act 2009* provides that Council must adopt, by resolution, a policy about how it deals with the suspected inappropriate conduct of councillors referred, by the assessor to the local government to be dealt with.

The then, Department of Local Government, Racing and Multicultural Affairs, provided a template policy for Council's to adopt following the introduction of this requirement. This was the policy originally adopted by Council.

Following updates to legislation and to ensure consistency in application the template policy has been updated by the Department of State Development, Infrastructure, Local Government and Planning, and this is the policy put forward for adoptions by Council.

Consultation:

Department of State Development, Infrastructure, Local Government and Planning.

Links to Strategic Plans:

This policy strategically aligns to specific delivery objectives under all 3 pillars of Council's Corporate Plan, being *People*, *Sustainability* and *Prosperity*.

Risk:

Due to policy being laid on the table at the June Ordinary Meeting, Council's current Investigation Policy is now overdue for review as it had a review date of 30 June 2021. Good governance recommends that all policies are reviewed and endorsed by their review dates.

Statutory Requirements:

Local Government Act 2009

Local Government Regulation 2012

Conclusion:

That SARG endorse the amended policy and supports inclusion of this report in the July Ordinary Meeting.



Recommended:

Hollie Faithfull
Chief Financial Officer



Approved

David Baldwin
Acting Chief Executive Officer

Attachments:

- Amended Investigation Policy

Investigations Policy

Responsible Manager:	Head of Corporate Affairs
Head of power:	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i>
Authorised by:	Council
Authorised on:	
Implemented from:	1 July 2021
Last reviewed:	May 2021
Review history:	2020
To be reviewed:	June 2022
Corporate Plan:	People, Sustainability and Prosperity

1. Authority

This is Torres Strait Island Regional Council's investigation policy for how complaints about the inappropriate conduct of Councillors will be dealt with as required by the section 150AE of the *Local Government Act 2009* (the LGA). However, this policy does not relate to more serious Councillor conduct.

2. Commencement

The investigation policy was adopted by Council resolution on 2x June 2021 and applies from 1 July 2021.

3. Scope

This investigation policy applies to investigations and determinations of a complaint about the alleged inappropriate conduct of a Councillor/s which has been referred by the Independent Assessor.

4. Definitions

Assessor means the Independent Assessor appointed under section 150CV of the LGA

Behavioural standard means a standard of behaviour for Councillors set out in the Code of Conduct for Councillors in Queensland approved under section 150E of the LGA

Conduct includes -

- (a) failing to act; and
- (b) a conspiracy, or attempt, to engage in conduct

Councillor conduct register means the register required to be kept by Council as set out in section 150DX of the LGA

Inappropriate conduct see section 150K of the LGA

Investigation policy, refers to this policy, as required by section 150AE of the LGA

Investigator means the person responsible under this investigation policy for carrying out the investigation of the suspected inappropriate conduct of a Councillor or Mayor

LGA means the *Local Government Act 2009*

Local government meeting means a meeting of—

- (a) a local government; or
- (b) a committee of a local government.

Misconduct see section 150L of the LGA

Model procedures see section 150F of the LGA

~~**Natural justice**—a set of principles to ensure fair and just decision making, including a fair hearing, an absence of bias, decisions based on evidence, and the proper examination of all issues.~~

Referral notice see section 150AC of the LGA

Tribunal means the Councillor Conduct Tribunal as established under section 150DK of the LGA

Unsuitable meeting conduct see section 150H of the LGA

5. Confidentiality

Matters of suspected inappropriate conduct of a Councillor are confidential except as otherwise specifically provided for either in the LGA or this investigation policy.

Note: It must be kept in mind that the matter is an allegation only and not yet proven. Further, there will be circumstances where the detail of the referral will need to remain confidential to the *Local Government*. Any release of ~~confidential~~ information that a *Councillor* knows, or should reasonably know, to be confidential to the local government, may be contrary to section 171(3) of the LGA and dealt with as misconduct.

6. Natural Justice

Any investigation of suspected inappropriate conduct of a Councillor/s must be carried out in accordance with natural justice. An overview of the principles of natural justice follows.

“Natural justice” or procedural fairness, refers to three key principles:

- that the person being investigated has a chance to have his or her say before adverse formal findings are made and before any adverse action is taken (fair hearing)
- that the investigator(s) should be objective and impartial (absence of bias), ~~and~~
- that any action taken is based on evidence (not suspicion or speculation).

A fair hearing means the Councillor who is the subject of the suspected inappropriate conduct matter must be told of the case against them including any evidence and be provided with an opportunity to put their case in writing with the investigation report provided to the Councillors as part of the meeting agenda.

An absence of bias means that any investigation must not be biased or be seen to be biased in any way. This principle embodies the concept of impartiality.

~~Decisions~~ Ensuring decisions are based on evidence requires that the investigation should not be based on mere speculation or suspicion but instead must be based upon evidence material.

A proper examination of all issues means the investigation must give a proper and genuine consideration to each party's case.

7. Assessor's referral

The Council ~~may~~will receive from the Assessor a referral notice about the suspected inappropriate conduct of a Councillor/s. ~~Council~~ The referral notice will include details of the conduct and any complaint received about the conduct, state why the assessor reasonably suspects that the councillor has engaged in inappropriate conduct, and include information about the facts and circumstances that form the basis of the assessor's reasonable suspicion.

The referral notice may be accompanied by a recommendation from the assessor about how the local government may also receive referrals directly investigate or deal with the conduct. The recommendation of the assessor may be inconsistent with this policy.

The investigation must be conducted in a way consistent with:

- (i) any recommendation of the assessor
- (ii) to the extent that this policy is not inconsistent with the recommendation of the assessor

- this investigation policy, or
(iii) in another way the local government decides by resolution.

A resolution under subsection (iii) must state the decision and the reasons for the decision.

8. Receipt of Assessor's referral

On receipt of a referral notice about the suspected inappropriate conduct of a Councillor/s from the Assessor, the Council's Chief Executive Officer will forward a copy of that referral notice to the Mayor and all ~~Councillors as a confidential document.~~

~~Should the Mayor or a Councillor/s (councillors,~~ other than the councillor who is the subject of the complaint, or the complainant, if the complainant is a councillor, as a confidential document.

Should the mayor or a councillor/s disagree with any recommendation accompanying the Assessor's referral notice, or form the opinion that the complaint should be dealt with in a way other than under this policy, the Mayor or Councillor may request the matter be placed on the agenda of the next Council meeting for the council to decide ~~on,~~ by resolution, the appropriate process to investigate the complaint. Such a request must be made in accordance with the Council's meeting procedure requirements.

9. Investigator

Unless otherwise resolved by Council, the Mayor will manage the investigation of suspected inappropriate conduct of other Councillors.

If the suspected inappropriate conduct involves conduct ~~that~~where, in the circumstances, the Mayor believes, it is in the best interests of the investigation to refer the matter for external investigation, then the Chief Executive Officer ~~must~~may refer the suspected inappropriate conduct to the President of the Councillor Conduct Tribunal ~~(the Tribunal)~~ or other entity to investigate and make recommendations to the Council about dealing with the conduct.

If the suspected inappropriate conduct involves:

- an allegation about the conduct of the Mayor, or
- the Mayor as the complainant, then

the Chief Executive Officer ~~must~~may refer the suspected inappropriate conduct to the President of the Tribunal, or another entity, to investigate and make recommendations to the Council about dealing with the conduct.

10. Early resolutions

Before beginning an investigation, the investigator ~~must~~should consider whether the matter is appropriate for resolution prior to the investigation. This consideration ~~includes~~can include any ~~recommendation~~recommendations made by the Assessor.

A matter is only appropriate for early resolution if the parties to the matter both voluntarily agree to explore early resolution.

The investigator may engage an independent person with suitable qualifications or experience to facilitate this process.

If the matter cannot be resolved, the matter will then be investigated as outlined in this

investigation policy.

If the matter is resolved prior to investigation, the investigator will advise the Chief Executive Officer of this outcome. In turn, the Chief Executive Officer will advise the Mayor (if the Mayor is not the investigator) and all Councillors that the matter has been resolved. The Chief Executive Officer will also update the Councillor Conduct Register to reflect this.

11. Timeliness

The investigator will make all reasonable endeavours to complete the investigation and provide a report for inclusion on the agenda of a Council meeting no more than eight weeks after the receipt of the complaint.

Note: If the investigator is of the opinion that it may take longer than eight weeks to complete the investigation, the matter should be raised with the *Mayor* (if the *Mayor* is not the investigator) to seek an extension of time.

12. Assistance for investigator

If the Mayor, or another councillor appointed by council resolution, is the investigator of a matter of suspected inappropriate conduct, the Mayor or councillor may use section 170A of the LGA to seek assistance during the investigation.

The Mayor is authorised by Council to expend money as reasonably needed to engage contractors in accordance with the Council's procurement policy.

13. Possible misconduct or corrupt conduct

If during the course of an investigation the investigator obtains information which indicates a Councillor/s may have engaged in misconduct, the investigator must cease the investigation and advise the Chief Executive Officer. The Chief Executive Officer will then notify the Assessor of the possible misconduct.

If during the course of an investigation, the investigator obtains information which that indicates a Councillor/s may have engaged in corrupt conduct, the investigator must cease the investigation and advise the Chief Executive Officer. The Chief Executive Officer will then notify the Crime and Corruption Commission of the possible corrupt conduct.

Instances of suspected misconduct or corrupt conduct may be referred back to the Council if determined by the Assessor or Crime and Corruption Commission to be inappropriate conduct.

14. Completion of investigation

On the completion of an investigation, the investigator will provide a report to ~~the Council outlining a council meeting outlining as appropriate the investigation process, the investigation findings, any recommendations about dealing with the conduct and a record of the investigation costs.~~

- the investigation process
- any witnesses interviewed
- documents or other evidence obtained
- a statement of the relevant facts ascertained
- confirmation that the subject councillor has been provided with an opportunity to respond to

- the complaint and the evidence gathered
- the investigation findings
- a statement of any relevant previous disciplinary history
- any recommendations about dealing with the conduct
- a record of the investigation costs.

If there is a risk to the health and safety of the complainant, under s 254J of the LGR the council may resolve that the meeting be closed to the public for the councillors to consider the investigation report and any recommendations.

The Council (with the exception of the councillor the subject of the investigation and the complainant, if another councillor) will consider the findings and recommendations of the investigator's report and decide whether the Councillor has engaged in inappropriate conduct and, if so, what action it will take under section 150AH of the LGA. In accordance with s275(3) of the LGR, the resolution in relation to what action is to be taken as a result of the investigation must be made after the meeting has been re-opened to the public and the decision recorded in the meeting minutes. The chief executive officer is also required to ensure the details are entered into the councillor conduct register.

~~Provisions for internal and external review of decisions are set out in sections 150CO to 150CS of the LGA.~~

15. Disciplinary action against councillors

~~If the council decides at the completion of decisions are set out~~ the investigation that the councillor has engaged in sections 150CO to 150CS inappropriate conduct, the council may:

- (i) order that no action be taken against the councillor, or
- (+)(ii) make an order outlining action the councillor must undertake in accordance with section 150AH(1)(b) of the LGA.

15.16. Notice about the outcome of investigation

After an investigation is finalised, the Council must give notice about the outcome of the investigation to the person who made the complaint about the Councillor/s' conduct that was the subject of the investigation and the subject councillor.

16.17. Councillor conduct register

The ~~Chief Executive Officer of the respective Council~~ chief executive officer must ensure decisions about suspected inappropriate conduct of a Councillor/s ~~must be~~ are entered into the ~~Councillor~~ councillor conduct register.

Where a complaint has been resolved under section 10 of this policy, ~~the Chief Executive Officer or otherwise withdrawn by the complainant, the chief executive officer~~ will update the register to reflect that the complaint was withdrawn.

17.18. Expenses

Council must pay any reasonable expenses of Council associated with the ~~informal early resolution or~~ investigation of suspected inappropriate conduct of a Councillor including any costs of:

- the president of the Tribunal in undertaking an investigation for Council
- ~~a mediator engaged under this investigation policy~~

- ~~a private~~ an independent investigator engaged on behalf of, or by the Tribunal
- an independent investigator engaged on behalf of ~~or by the investigator~~ local government
- travel where the investigator needed to travel to undertake the investigation, or to interview witnesses
- seeking legal advice
- engaging an expert.

Note: Council may order the subject Councillor reimburse it for all or some of the costs arising from the Councillor's inappropriate conduct. Any costs incurred by complainants or the subject councillors will not be met by council.

~~Any costs incurred by complainants or the subject Councillors will not be met by Council.~~



TORRES STRAIT ISLAND REGIONAL COUNCIL

SARG AGENDA REPORT

SARG MEETING:	July 2021
DATE:	15 July 2021
ITEM:	Agenda Item for Strategic Advisory Reference Group
SUBJECT:	Fuel Improvement Program Status Report
AUTHOR:	David Lennie, Strategic Sourcing Manager

Recommendation

That the Strategic Advisory Reference Group (SARG) notes the report.

Purpose

The purpose of this report is to provide SARG with an update in relation to TSIRC's Fuel Improvement Program and upgrade projects.

Background:

Following on from internal Safety Audits and Reports completed in October 2020 and May 2021, significant fuel safety improvement actions have been scoped, planned and delivered and others in progress.

These include (but not limited to):

- All 13 community fuel sites that TSIRC supply fuel have received relevant PPE and safety equipment's including spill kits, first aid kits, emergency eyewash cabinets, new or replacement fire extinguishers and safety signage.
- Initial fuel safety training has been delivered to all sites by Special Project & Logistics staff to approx. Engineering Staff in divisions on safe fuel and gas operations. Further Take 5 online training is under development by Learning & Development for ongoing training needs.
- All sites utilising 200L drum fuel have been provided with a paste to test daily for water contamination prior to dispensing fuel. Contaminated fuel has been a key issue for divisions dispensing fuel from 200L drums.
- Eight new solar powered fuel tanks with bowzers are being fitted out as interim solution for Boigu, Mabuyag, Saibai and Erub to replace dispensing of fuel via fuel 200L drums – forecast completion date 30/9/2021.
- Contract awarded to build new Saibai facility with EFTPOS – forecast completion date 30/11/2021.
- Total of \$1.2M grant funding has been endorsed by Council for future Works for Queensland to replace fuel facilities at Boigu, Mabuyag and Erub – forecast completion date 30/3/2022.

Fuel Improvement Report

Please see attached two-page snapshot and funding status report.

Mabuyag

Note the proposed interim fuel dispensing area at Mabuyag will be relocated away from the existing 'yarning shed' to within the existing boundary of the original fuel dispensing and tank storage area. The option to relocate the bowser to the ramp area is also being investigated.

Saibai

The proposed temporary fuel bowser location at Saibai location has been rejected. It is deemed being impractical due to ground conditions and cost to bring it up to standard enable safe fuel operations for TSIRC staff and customers. Therefore, kerbside delivery from outside the existing temporary fuel shed is now being investigated subject to it being compliant with relevant safe fuel operating standards.

Mer

Mer fuel site upgrade is currently to be funded internally for \$572,000. Please note Council is also seeking external funding. This project is currently at the project planning, location assessment and design phase for a new fuel facility with EFTPOS.

Conclusion:

That the SARG notes the report as attached.



Author:

David Lennie
Strategic Sourcing Manager



Recommended

Adeah Kabai
Acting Chief Engineer



Approved:

David Baldwin
Acting Chief Executive Officer

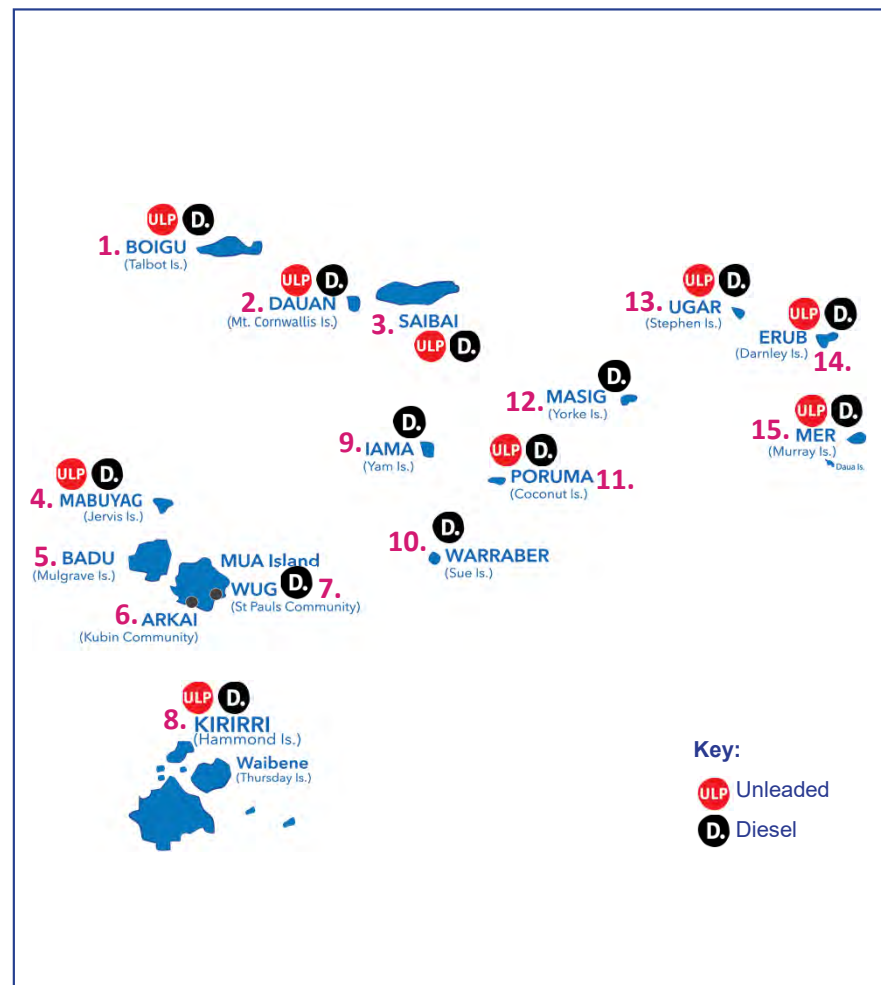
Fuel Improvement Program – Status Snapshot Report 9/7/2021

#	Community	Spill Kit	First Aid Kit	Eyewash Cabinet	Fire Extinguisher	Safety Signs	Staff Training Ongoing	Current Status	Forecast Completion Date
1.	Boigu	✓	✓	✓	✓	✓	✓	• New solar powered fuel tanks with bowzers being fitted out as interim solution	• 30/9/21 interim solution* – EFTPOS Bowzers by 30/3/22
2.	Dauan	✓	✓	✓	✓	✓	✓	• Bowzers are operational – need service visit to replace bowser displays	• In Operation
3.	Saibai	✓	✓	✓	✓	✓	✓	• New solar powered fuel tanks with bowzers being fitted out as interim solution • Contract awarded to build new facility with EFTPOS	• 30/9/21 interim solution while new facility is being built* – EFTPOS bowzers by 30/11/21
4.	Mabuyag	✓	✓	✓	✓	✓	✓	• New solar powered fuel tanks with bowzers being fitted out as interim solution	• 30/9/21 interim solution* – EFTPOS Bowzers by 30/3/22
5.	Badu	Fuel fulfilment provided by Island & Cape							
6.	Arkai	ULP fulfilment provided by IBIS, Diesel provided from Wug							
7.	Wug	✓	✓	✓	✓	✓	✓	• Diesel solar powered fuel tank with bowser operational	• In Operation
8.	Kirirri	✓	✓	✓	✓	✓	✓	• New solar powered fuel tanks with bowzers being fitted out as interim solution	• 30/9/21 interim solution*
9.	Iama	✓	✓	✓	✓	✓	✓	• Solar powered fuel tanks with bowzers can be moved here once other islands are operational	• 30/4/22
10.	Warraber	✓	✓	✓	✓	✓	✓	• Solar powered fuel tanks with bowzers can be moved here once other islands are operational	• 30/4/22
11.	Poruma	✓	✓	✓	✓	✓	✓	• Bowzers are operational	• In Operation
12.	Masig	✓	✓	✓	✓	✓	✓	• Diesel solar powered fuel tank with bowser operational	• In Operation
13.	Ugar	✓	✓	✓	✓	✓	✓	• In design phase for new fuel facility with EFTPOS	• 31/12/21 EFTPOS Bowzers
14.	Erub	✓	✓	✓	✓	✓	✓	• Bowzers are operational – end of life and will be replaced	• In Operation - 30/3/22 New EFTPOS Bowzers installed
15.	Mer	✓	✓	✓	✓	✓	✓	• In project planning, location assessment and design phase for new fuel facility with EFTPOS	• 31/12/21- EFTPOS Bowzers

*Interim solution forecast date is dependent on parts arriving via international freight by 27/8/21 to complete new fuel tank bowzers

Fuel Improvement Program – Funding Status Snapshot 9/7/2021

#	Community	Fuel Type(s)	Delivery	Bowser	Funded	Funding Required
1.	Boigu	• ULP • Diesel	• Drums • Drums	• Non-Operational • Non-Operational	✓ \$400,000	Works for Queensland
2.	Dauan	• ULP • Diesel	• Bulk • Bulk	• End of life • End of life	✗ Unfunded	✓ Est \$500K-\$800K
3.	Saibai	• ULP • Diesel	• Drums • Bulk	• Non-Operational • End of life	✓ \$827,000	Building Our Regions
4.	Mabuyag	• ULP • Diesel	• Drums • Drums	• Non-Operational • Non-Operational	✓ \$400,000	Works for Queensland
5.	Badu	Fuel fulfilment provided by Island & Cape				
6.	Arkai	ULP fulfilment provided by IBIS, Diesel provided from Wug (below)				
7.	Wug	• Diesel only	• Bulk	• None	✗ Unfunded	✓ Est \$500K-\$800K
8.	Kirirri	• ULP • Diesel	• Drums • Drums	• Non-Operational • Non-Operational	✗ Unfunded	✓ Est \$500K-\$800K
9.	Iama	• Diesel only	• Drums	• None	✗ Unfunded	✓ Est \$500K-\$800K
10.	Warraber	• Diesel only	• Bulk	• None	✗ Unfunded	✓ Est \$500K-\$800K
11.	Poruma	• ULP • Diesel	• Bulk • Bulk	• Operational • Operational	✗ Unfunded	✓ Est \$500K-\$800K
12.	Masig	• Diesel only	• Bulk	• None	✗ Unfunded	✓ Est \$500K-\$800K
13.	Ugar	• ULP • Diesel	• Drums • Drums	• None • None	✓ \$572,000	TSRA
14.	Erub	• ULP • Diesel	• Bulk • Bulk	• Operational • Operational	✓ \$400,000	Works for Queensland
15.	Mer	• ULP • Diesel	• Drums • Drums	• None • None	✓ \$572,000	Internal Council funds





TORRES STRAIT ISLAND REGIONAL COUNCIL

INFORMATION REPORT

ORDINARY MEETING:	July 2021
ITEM:	Information Report for <u>Noting</u> by SARG
SUBJECT:	Waste Projects and Long-Term Waste Management Strategy
AUTHORS:	Jarrah Doran-Smith – Waste and Sustainability Engineer

Resolution:

Strategic Advisory Reference Group (SARG) resolves to:

- Note this report; and
- Endorse this report to be presented to full Council at the July 2021 Council Ordinary Meeting

Purpose

The purpose of this report is to provide SARG with an update in relation to TSIRC's waste projects and long-term waste management strategies that are being managed by the Engineering Services Department.

Background:

Council's landfills and solid waste stockpiling areas face significant challenges in achieving compliance with Environmental Approvals pursuant of the *Environmental Protection Act 1994*.

Current landfills and waste stockpiling areas are lacking in appropriate resources including appropriate heavy plant, waste management infrastructure, dedicated waste management staffing and staffing amenities.

To reduce environmental and health risks, and transition to a more sustainable waste management model, Council must work towards addressing compliance issues through critical waste reduction and waste management measures.

Current waste management projects include:

- TSIRC Metal Waste Legacy Stockpile Clean-Up,
- Local Laws Amendments restricting commercial and construction waste at Council waste facilities,
- Regional Waste Management Strategy with Anne Prince Consulting (APC).

Current Projects

Metal Waste - Legacy Stockpile Clean-Up Scope

There are currently large stockpiles of wreck vehicles (cars, trucks, heavy plant/machinery etc) at over-stocked community landfills and throughout communities, and large stockpiles of scrap metal/white goods (roof sheeting, reinforcing bar, washing machines, drums, tanks etc) at landfill sites. The Council intends for these stockpiles to be removed from the islands, to facilitate the implementation of a long-term metal waste management strategy in the future.

Works completed to date:

- EOI developed and released
- Seven successful applicants selected
- Scope and tender documents developed

- Documents have undergone a legal review
- Tender documents finalised and released
- Tender responses received, review underway

Future works:

- Successful Tender selected
- Endorsement through Council (August COM)
- Project Delivery (Warraber Island as a priority for long-term Waste Management Strategy)

A Program Schedule is available in **Appendix A**.

Local Law Amendments – Commercial and Construction Waste Restrictions

TSIRC Local Laws and Fees and Charges have been amended to ensure that all waste from commercial or construction activities is restricted from being disposed of at TSIRC island landfills. **These changes came into full effect on 1 July 2021.**

The new laws restrict commercial and construction waste from being disposed of at TSIRC's island landfills unless agreed upon by the Chief Executive Officer (CEO) or delegate. Council, therefore, reserves the right to refuse acceptance of all waste at its facilities and will enforce any non-compliances.

Compliance notices, stop orders and fines may be issued in cases where persons or parties breach these new requirements. This does not include domestic type waste produced by contractors at their accommodation or worksite (e.g. lunch packaging).

A letter detailing these changes (**Appendix B**) was distributed to all of Council's suppliers informing them of the changes. A Fact Sheet with frequently asked questions has also been developed for further information and guidance regarding these changes (**Appendix C**). Ongoing information sessions are available to ensure all parties understand the changes.

Regional Waste Management Strategy with Anne Prince Consulting

Anne Prince Consulting (APC) has been engaged by LGAQ to prepare a Regional Waste Management Plan as part of the Queensland Government's *Respecting Country – A Sustainable Waste Strategy for First Nation Communities* policy. They have developed a work-up table for a TSIRC Waste Management Plan (**Appendix D**) and a process diagram (**Appendix E**).

The strategy looks at waste management solutions including:

- Landfill closure across all islands
- Establishing transfer station across all islands for sorting and consolidating materials
- Waste reduction measures, including Container Refund Scheme (CRS), recycling, organics composting
- Any waste that cannot be recycled or composted will be transferred to landfill on mainland (e.g. NPARC landfill)
- Education and community engagement

Critical factors

- Biosecurity compliance for ALL waste movement
 - Agreement in principle for draft procedures, equipment for movement of waste material from islands to mainland landfill.
 - The process already being used for the movement of CRS containers from islands to Cairns COEX processor
 - Agreement in principle for procedures for movement of bulky waste materials from islands to mainland landfill
 - A process under draft for movement of problematic wastes from islands to Cairns processors but activity already occurring.
- Capex budget

- Preparation of draft Capex budget underway for construction of transfer station and equipment
- Preparation of draft Capex budget underway for the supply of transport modules for the safe movement of waste streams.
- A draft budget for Cap and Close of existing landfills has been prepared and supplied by TSIRC staff
- Opex budget in perpetuity
 - Preparation of Activity description of all waste management processes underway, this includes estimates for manpower requirements
 - Preparation of Opex budget underway but will require detailed consultation with TSIRC to assign staffing information once manpower requirements are confirmed
 - Operational requirements underway for plant and equipment including, O&M, repairs, operational life and replacement
- A new waste coordinator position
 - Preparation of administrative procedures for the management of activities
- Engaged operational staff
 - Review of operational staff required for new activities
 - Preparation of training for staff for new activities
- COEX redemption points on each island
 - A handling point on each island
 - COEX infrastructure for each island in the design stage
 - Container handling processes will be determined by COEX and the community. The early practice of donations of proceeds to school is dominant and may / may not continue as not in accordance with regs.
- Waste disposal contract with NPARC
 - Agreement in principle for the transfer of waste from TSIRC region to NPARC landfill to be ratified at July Council meeting
 - Contract in perpetuity required
 - Transfer and disposal fees required
 - Draft documentation, procedures and activities required for biosecurity is under preparation

Unknowns

- Freight costs by Seaswift
 - Freight costs by Seaswift will be easier to compute once the correct equipment design is completed
- Transfer and disposal rate by NPARC
 - Transfer and disposal rates by NPARC will be easier to compute once biosecurity procedures are finalised and understood
- Quantity of hazardous and problematic waste
 - Legacy quantities and ongoing costs to manage unknown

Way forward

- Warraber pilot project to test all assumptions, equipment, operation and costs and all reporting accessible by all stakeholders
 - Warraber pilot project in 2008 saw a reduction in waste by 66%.

Consultation:

- Climate Change Adaptation and Environment Standing Committee Group
- Torres Strait Island Regional Council (TSIRC)
- Northern Peninsula Area Regional Council (NPARC)
- Queensland Indigenous Waste Strategy (QIWS)
- CEQ (IBIS)
- Sea Swift
- Department of Environment and Science (DES)

- TSIRC Suppliers and contractors
- Department of Agriculture, Water and the Environment
- Department of Agriculture and Fisheries

Statutory Requirements:

- *Local Government Act 2009 (Qld)*
- *Environmental Protection Act 1994 (Qld)*
- *Waste Reduction and Recycling Act 2011 (Qld)*
- *Recycling and Waste Reduction Act 2020 (Commonwealth)*

Conclusion:

That the Strategic Advisory Reference Group (SARG) resolves that this report goes to the full Council as an Agenda Report.



Author:

Jarrah Doran-Smith
Acting Manager, Capital Works



Endorsed:

David Stevens
Acting Manager, Capital Works



Recommended:

Adeah Kabai
Acting Chief Engineer

Appendix A
Metal Waste Project Schedule

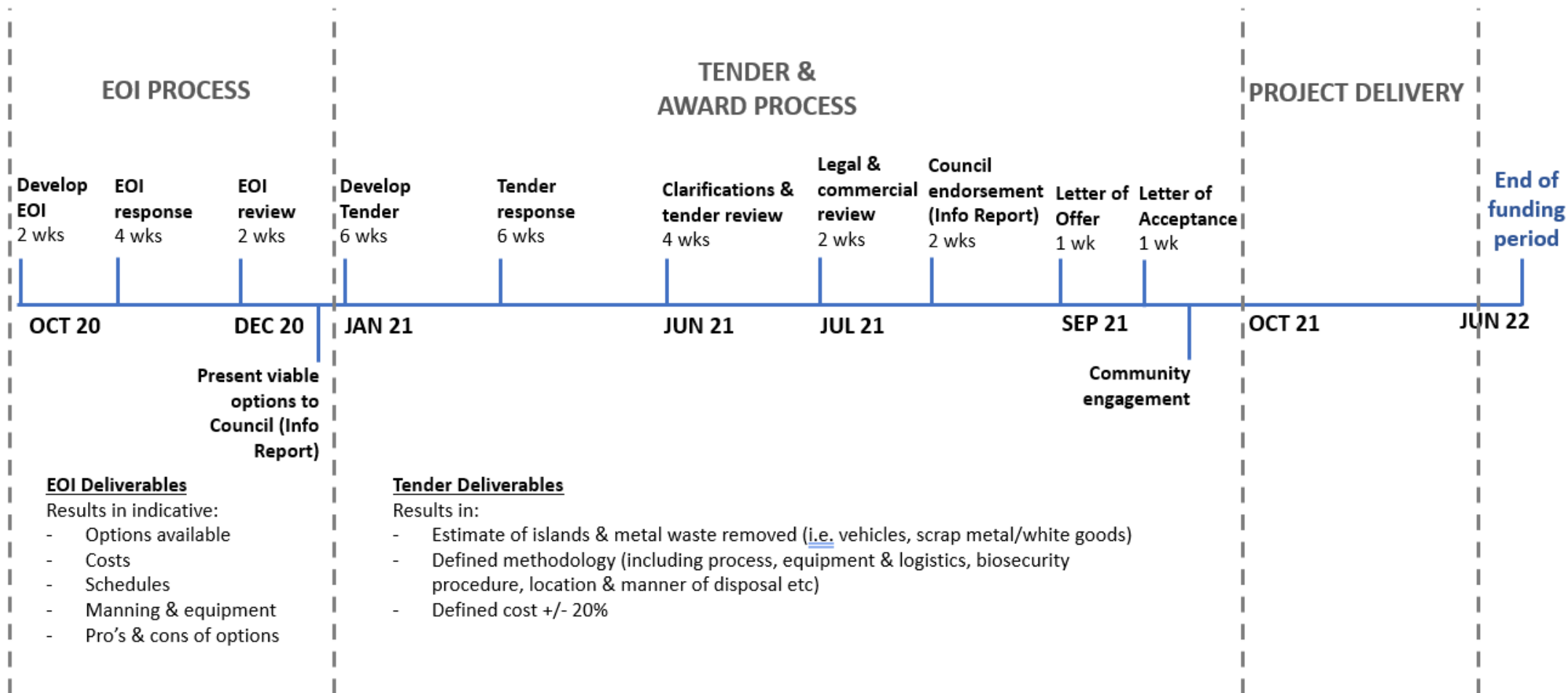
Appendix B
Letter to Suppliers – TSIRC Commercial and Construction Waste Restrictions

Appendix C
Fact Sheet – Commercial and Construction Waste Restrictions

Appendix D
Work-Up Table for a TSIRC Waste Management Plan

Appendix E
Proposed Waste Management Process

Appendix A
Metal Waste Project Schedule



Appendix B

Letter to Suppliers – TSIRC Commercial and Construction Waste Restrictions



Contact Name: Jarrah Doran-Smith
Contact Number: 0474 983 657

Date: 01 July 2021

To Whom It May Concern,

Removal of Commercial and Construction Waste from TSIRC Communities

This letter is to formally advise work groups, contractors, subcontractors, and Government Agencies of Torres Strait Island Regional Council's (TSIRC) operational decision that TSIRC will no longer accept commercial and construction waste disposal in the divisional landfills, effective immediately and indefinitely.

Recent audits of TSIRC's landfill sites indicate that they have very limited remaining capacity and face significant challenges in achieving compliance with Environmental Approvals. To reduce environmental risks and transition to a more sustainable waste management model, TSIRC must work towards addressing compliance issues through critical waste reduction and waste management measures.

Due to these factors and the large amounts of accumulating waste generated by commercial and construction operations in the TSIRC Local Government Area, it has become necessary to introduce operational restrictions. TSIRC now requires all commercial waste (excluding standard property bin collection) and construction waste to be removed from the TSIRC Local Government Area and disposed of responsibly outside TSIRC's jurisdiction.

"Commercial waste" is any waste from the normal operation of a business or enterprise.

"Construction waste" is any waste from construction and demolition work. This does not include domestic type waste produced by contractors at their accommodation or work site.

This change in policy was formalised through TSIRC's adoption of *Amending Subordinate Local Law No. 1 Waste Management 2021* and the adoption of an updated Register of Fees and Charges in March 2021. TSIRC's amended *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019* prescribes the disposal or storage of commercial waste and construction waste as a restricted activity:

- **Disposal** of commercial waste (excluding standard property bin collection) and construction waste in the Local Government Area will be permitted only in exceptional circumstances with prior written consent of the TSIRC Chief Executive Officer or delegate, and subject to payment of the fees prescribed in the Register of Fees and Charges.





- **Temporary storage** of construction waste will be permitted only with the prior written consent of the TSIRC Chief Executive Officer or delegate, where acceptable reuse or off-island disposal option has been identified, including the timeframe for use or removal.
- **Transferring ownership** of commercial waste and/or construction waste to another person in the local government area will be permitted only with the prior written consent of the TSIRC Chief Executive Officer or delegate.

These changes will come into full effect on 1 July 2021.

Out of necessity, it is intended that this restriction will continue indefinitely and will be carried over into any future Torres Strait waste management strategy, regardless of whether TSIRC is able to open up additional local landfill capacity.

It is important that all work groups, as well as contractors, subcontractors, and Government Agencies are made aware of these requirements. Compliance notices, stop orders and fines can be issued in cases where persons or parties breach TSIRC's local laws.

Biosecurity restrictions and associated mandatory treatments may apply for the transportation of waste from island to island, between biosecurity zones and from islands to the mainland. The following contacts from relevant State and Federal Government departments concerned with biosecurity are provided below for your convenience.

Department of Agriculture, Water and the Environment
General enquiries: naqs@agriculture.gov.au
Inspections: Thursday.Island@agriculture.gov.au
Phone: 0742120185

Michael Kelly – Biosecurity Queensland
Phone: 07 4241 8218
Mobile: 0427 344 678
Email: Michael.Kelly@daf.qld.gov.au

For queries concerning the upcoming changes, please contact the following TSIRC officer.

Jarrah Doran-Smith, Waste and Sustainability Engineer
Phone: 07 4047 5203
Mobile: 0474 983 657
Email: Jarrah.Doran-Smith@tsirc.qld.gov.au





TSIRC encourages the responsible disposal of waste, and contribution to the targets and resource management hierarchy principles set out in the Queensland Government's Waste Management Resource Recovery Strategy, particularly in the diversion of waste from landfill through recycling initiatives.

The previous Local Law and Fees and Charges already had similar requirements in relation to the disposal of waste on Islands. These new arrangements have enhanced these requirements and will include TSIRC's enforcement.

TSIRC and its communities appreciate your understanding, and all actions taken in working towards better waste management in the Torres Strait Islands region.

Date: 30.06.2021

David Baldwin
Acting Chief Executive Officer
Torres Strait Island Regional Council



Appendix C
Fact Sheet – Commercial and Construction Waste Restrictions



Torres Strait Island
REGIONAL COUNCIL



Commercial and Construction Waste Restrictions

Important information for
external work groups

TSIRC waste situation

Recent audits of Torres Strait Island Regional Council (TSIRC) landfill sites indicate that they have limited remaining capacity and face significant challenges in achieving compliance with Environmental Approvals. Due to these factors and the large amounts of accumulating waste generated by commercial and construction operations in the region, it has become necessary to introduce operational restrictions.

To reduce environmental risks, and transition to a more sustainable waste management model, Council must work towards addressing compliance issues through critical waste reduction and waste management measures. TSIRC now requires that all commercial waste and construction waste be removed from the TSIRC Local Government Area and disposed of responsibly outside TSIRC's jurisdiction.

TSIRC Local Laws

TSIRC Local Laws and fees and charges have been amended to ensure that all waste from commercial or construction activities is restricted from being disposed of at TSIRC island landfills. **These changes come into full effect on 1 July 2021.**

The new laws restrict commercial and construction waste from being disposed of at TSIRC's island landfills unless agreed upon by the Chief Executive Officer (CEO) or delegate. Council, therefore, reserves the right to refuse acceptance of all waste at its facilities and will enforce any non-compliances.

Compliance notices, stop orders and fines may be issued in cases where persons or parties breach these new requirements. This does not include domestic type waste produced by contractors at their accommodation or work site (e.g. lunch packaging).

Commercial and Construction Waste

"Commercial waste" is any waste from the normal operation of a business enterprise. Waste types include, but not limited to, paper, cardboard, wrapping and packaging. Disposal of commercial waste (excluding standard property bin collection) will be permitted only under exceptional circumstances with prior written consent from TSIRC CEO or delegate.

"Construction waste" is any material produced during construction, renovation, demolition, or deconstruction activities. This does not include domestic type waste produced by contractors at their accommodation or work site. Waste types incorporate a diverse range of materials that typically include concrete, wood, metals, gypsum board products, asphalt, roofing material and packaging.

Biosecurity Restrictions

Australian and Queensland State Government biosecurity controls such as treatments may apply to the transport of waste from island to island, between legislated biosecurity zones and from all Torres Strait islands to the mainland. In general, biosecurity inspections are required for any materials being removed from the islands. Depending on the risk associated with the waste, biosecurity control measures may include specified treatments, containment and disposal methods. The following contacts from relevant state and federal government departments concerned with biosecurity are provided below for your convenience.

Australian Government Department of Agriculture, Water and the Environment:

Email: Thursday.Island@agriculture.gov.au

Phone: 07 4212 0185

Frequently Asked Questions

How should commercial and construction waste be removed from the Torres Strait Islands?

Plan ahead and include the cost for waste storage, transport, and disposal before commencing projects on-island. Arrangements with waste management services (e.g. JJ Richards, Clean Away, SUEZ) should be made prior to mobilising to the Torres Straits.

How is waste removed from the worksite and taken to the barge?

Prior arrangements should be made with the transport company (e.g. SeaSwift) to ensure that the waste storage container can be put on to the service barge for removal. Waste should be contained to prevent the spread of biosecurity pests.

Where do we put construction and demolition waste while on the work site?

To prevent the spread of insects and plant diseases and other biosecurity risks to new locations within Torres Strait or to the mainland and improve worksite housekeeping, it is recommended that all materials are kept out of the weather and kept clean from soil, water pooling and organic debris. Typical storage containers include covered skip bins, lidded dumpsters and shipping containers. The appropriate storage container should be decided with your transhipment and waste providers.

What are the biosecurity requirements for waste being sent off the islands?

All waste leaving the islands will require biosecurity inspection to assess the risks. Segregation of waste will assist with adequate biosecurity inspection. If no biosecurity risks are identified or they can be all mitigated before departure, the goods will be released without further intervention. If the waste cannot be adequately inspected, waste may require biosecurity treatments, containment and/or specific disposal method or location. The biosecurity risk mitigation process and associated treatments will depend on many factors including how the waste is stored, the volume, the island's risk status and destination.

What are the requirements for soil and organic debris?

Clean soil and organic materials should either be repurposed on the work site or taken to the landfill for repurposing. Soil/organic material to be left on-island must be clean and uncontaminated free of any construction rubble. If contaminated, it will need to have contaminants removed before being left on-island. If unable to be cleaned, then the material is expected to be managed according to biosecurity directions.

Can commercial and construction materials be given to community members for reuse?

Approval for gifting materials to community members or TSIRC will be assessed on a case-by-case basis only. Gifting of materials must be approved by Councils CEO or delegate. To apply for approval, contact the relevant TSIRC Divisional Engineering Officer staff on-island. They will provide the information to the CEO or delegate. The CEO or delegate will assess the situation and deny or approve with conditions.

Thank you por



Appendix D
Work-Up Table for a TSIRC Waste Management Plan

TSIRC WASTE MANAGEMENT PLAN - work-up table- JULY 2021

EXPLANATORY NOTES FOR THE FOLLOWING TABLES :

1. The following document has been prepared by A Prince Consulting Ltd (APC) in early 2021. It is a working draft document for discussion with Council.
2. APC are specialist waste consultants who have been commissioned by the Local Government Association of Queensland (LGAQ) to prepare a Regional Waste Management Plan (RWMP) for the Straits & Northern Peninsula Region of Queensland. This region comprises the three Councils: Torres Shire Council (TSC), Northern Peninsula Area Regional Council (NPARC) and Torres Strait Islands Regional Council (TSIRC).
3. The RWMP follows on from the *Respecting Country A Sustainable Waste Strategy For First Nation Communities* developed launched in May 2021 at ILF. The strategy was informed by preparation of a Situational Analysis for each of the state's Indigenous Shire Councils that described their current waste management situation (usually as at 2018/19) and identified opportunities for improvements and made recommendations agreed to be respective councils.
4. We have summarised and linked the QIWS deliverables with the local opportunities into a series of tables which are presented on the following pages based on the main waste management topics: landfills, transfer stations, waste separation, container refund scheme, recycling, organics/composting, legacy metals, construction & demolition, other wastes, litter & dumping, education and governance / regional solutions.
5. Each table is intended to be read from left-to-right per the columns. This demonstrates the build up of solutions based on the each topic's:
relevant QIWS 'deliverables'
information from Council's Situational Analysis
whether the issue is a waste management priority by Council (as explained in 2020 workshops)
knowledge of Council's current situation for the issue
proposed Solution to be discussed further by APC with Council, noting final decisions of solutions rest with Council
and, next steps to finalise the solution so it can be appropriately presented in the final RWMP.
6. The last table in the series is what a summary of the waste plan for Council might look like based on the preceding proposed solutions.
7. APC is working with each Council to reach agreement on the contents of the RWMP. Again, it is stressed that final decisions on these waste solutions will rest with Council.
8. The final RWMP will then be a collation of the agreed solutions for each of the 3 councils in the region and, where appropriate, regional solutions and actions based on common elements and synergies.
9. Indicative budgets will also be prepared in consultation with each council for each agreed action.

Please feel free to reach out to the project team to discuss anything contained in this document.

Contact details for the APC team:

Anne Prince, Director APC	0425 251 271	anne@aprince.com.au ,
Allen Cunneen, Project Consultant	0418 792 628	allen.cunneen@aprince.com.au
Tony Davies, Project Engineer	0410 170 639	tony.davies@aprince.com.au
Russell Couch, Project Consultant	0491 141 401	russell.couch@aprince.com.au

TSIRC WASTE MANAGEMENT PLAN - work-up table- JULY 2021

TOPIC	QIWS Deliverable	Situational Analysis	TSIRC Council Priority	Current situation	Solution	Issues / comments	Next Steps
LANDFILL	<i>Identify opportunities for regional waste management solutions (e.g. potential for regional landfills) or rationalisation of landfills ... where deemed appropriate due to site, capacity and environmental concerns.</i>	<p>A paradigm change is needed to how waste is managed across the islands.</p> <p>Consider construction of centralised landfill site for MSW which cannot be composted or recycled.</p> <p>AQIS issues to be considered and resolved both between quarantine zones and between islands.</p> <p>Control public access to the landfill tipping area at all times through fencing and gate controls, allowing only Council staff access within this area.</p>	<p>High</p> <p>Address existing landfill management issues and DES non-compliance.</p> <p>Identify long-term, cost-effective regional landfill solutions, including associated logistics capability and infrastructure.</p> <p>Understand closure + post-closure compliance requirements for all island landfills and resources for management.</p>	<p>TSIRC operates a landfill on each island, all have issues of non-compliance and are at or exceeded capacity.</p> <p>All landfills are fenced, some better managed than others, efforts to encourage source separation with signage and some dedicated bunded containers ie for ULABs</p> <p>Upgrading cells and sites is nearly impossible. Most islands are site constrained,</p> <p>TSIRC agrees landfill closures are needed.</p>	<p>All of Council's island landfills are capped, closed, rehabilitated and transfer stations constructed.</p> <p>An integrated waste program implemented as a pilot building on the previous Warraber island pilot with recycling and composting.</p> <p>All remaining MSW is baled, wrapped and shipped to a complying landfill for deep burial in accordance with the biosecurity requirements, NPARC or Springmount.</p>	<p>Bale, wrap and deep burial of MSW at approved landfill at NPARC or Springmount is an interim option.</p> <p>Biosecurity issues with AWE resolved and parameters provided for all MSW waste transfers.</p> <p>Need to seek DES exemption from waste levy if destination is Springmount.</p> <p>Need agreement with Sea Swift to transport baled waste to agreed destination. They have agreed in principle</p> <p>NPARC need to agree to take TSIRC waste in perpetuity with contract.</p>	<ol style="list-style-type: none"> 1. Confirm with Council, baling and wrapping disposal option. 2. Determine contract terms and conditions with NPARC for long term disposal. 3. Develop island landfill closure plan and specifications as advised by DES regulators 4. Cap and close budget included in RWMP budget build 5. Investigate alternative inter-regional landfill or other solutions to service TSIRC 6. Sea Swift to provide price based on expected waste volumes provided

TSIRC WASTE MANAGEMENT PLAN - work-up table- JULY 2021

TOPIC	QIWS Deliverable	Situational Analysis	TSIRC Council Priority	Current situation	Solution	Issues / comments	Next Steps
TRANSFER STATIONS (TS)	<p>Identify opportunities for establishment of transfer stations where deemed appropriate due to site, capacity and environmental concerns.</p> <p>Support bulk purchase opportunities through consistent approaches to waste transfer facility design.</p>	<p>Provide fenced and locked access to all waste facilities / transfer stations to restrict out of hours access.</p> <p>Build transfer stations as appropriate.</p>	<p>High</p> <p>Need to address landfill noncompliance issues and how TS might resolve these issues.</p> <p>TS layout and equipment needs to be the same but scalable based on island population.</p>	<p>Currently no formal transfer stations on any islands.</p> <p>TSIRC agrees that a Transfer Station (TS) on each island preferred as part of landfill closure / consolidation.</p>	<p>Supervised transfer stations operate on all islands to maximise waste separation.</p> <p>All remaining MSW baled, wrapped and exported off island.</p> <p>Waste is separated and stored in covered bays, bunkers, shipping containers and purpose designed containers for specific waste streams.</p> <p>Need to reduce AWE issues by reducing contact with dirt and soil.</p>	<p>Transfer Stations could be sited on closed landfills.</p> <p>Need to standardise Transfer Station design and siting requirements.</p> <p>Need to confirm land tenure and native title issues.</p> <p>TS allows integration & co-locating all solid waste activities, separation, recycling, COEX + composting facilities.</p>	<ol style="list-style-type: none"> 1. Confirm with TSIRC agreement for waste transfer stations to maximise separation and baling functions. 2. Agree to standard transfer station design and layout 3. Prepare capex and opex budgets for all interrelated activities. 4. Confirm via TSIRC land tenure and native title issues (if any). 5. Propose Warraber island as TS pilot to determine appropriateness

TSIRC WASTE MANAGEMENT PLAN - work-up table- JULY 2021

TOPIC	QIWS Deliverable	Situational Analysis	TSIRC Council Priority	Current situation	Solution	Issues / comments	Next Steps
WASTE SEPARATION	<i>Identify opportunities to incorporate dedicated areas for the separation and safe stockpiling and/or storage of waste streams such as scrap metals, whitegoods, cars, car batteries, tyres, motor oils, cooking oils, e-waste, paints and hazardous materials into the design and construction of new and existing landfills and transfer stations.</i>	<p>Provide separation systems to create pathways for materials that can be recycled , reused or composted.</p> <p>To reduce the impact on the currently full and overflowing landfills.</p> <p>Manage materials to avoid soil contact and meet AQIS stringent requirements to allow movement off islands for recycling.</p>	<p>Medium</p> <p>To set up systems to encourage source separation of waste streams.</p>	<p>Most MSW goes to landfill un-separated and is frequently burnt for volume reduction.</p> <p>Some bulky wastes separation and stockpiling at landfills, but mostly informal, with little established infrastructure and lack of equipment. Some separated wastes are transported off islands, but in most cases there are no regular collections or established destinations for materials.</p> <p>Legacy issues on all islands. AQIS protocols are cost prohibitive and operationally challenging.</p>	<p>All bulky metals, , recyclable, garden waste, food, re-usable and hazardous / problematic wastes are separated for recycling composting or local re-use</p> <p>Waste separation infrastructure is formalised on all islands, and integrated with waste transfer stations, recycling (including CRS) and re-use facilities.</p>	<p>Most islands have a dedicated vehicle battery storage container. Is the program active, used and supported by community / island council</p> <p>Need a simple system and standard layout to encourage community use and source separation at point of disposal with appropriate infrastructure to contain materials – bin, bunker etc.</p> <p>Biosecurity requirements constrain most movements of separated wastes (see further below).</p>	<p>1.Integrate waste separation infrastructure layout to encourage separation as part of Transfer Station design.</p> <p>2.Consider regional contracts for collection, transport and processing of separated wastes.</p> <p>3.Determine protocols with AWE to ensure as much material as possible can be recycled off island through avoiding soil contact on an ongoing basis to reduce legacy issues.</p> <p>4.Develop project pilot to test method and approach on Warraber Island.</p>

TSIRC WASTE MANAGEMENT PLAN - work-up table- JULY 2021

TOPIC	QIWS Deliverable	Situational Analysis	TSIRC Council Priority	Current situation	Solution	Issues / comments	Next Steps
CONTAINER REFUND SCHEME	<i>Support the establishment of fit-for-purpose Container Refund Points in all Aboriginal and Torres Strait Islander councils in partnership with key stakeholders.</i>	Initiate discussions with COEX to establish a local Container Refund Point (CRP) on every island for equity and inclusion.	Medium Lack of access by community to the state-wide scheme which put the onus on producer to pay for collection and transport / freight.	Badu Is was identified for initial CRP site, but not yet in place. Some containers are being returned to Cairns for redemption via Sea Swift freezers from one or more islands with proceeds to local school. Biosecurity have agreed to transport mode and methods.	With COEX and DES assistance, establish CRPs at each island at Transfer Station if possible. Operator to be determined COEX manages reverse logistics of container return. Need to establish a pilot to allow a review of operations before expanding to all islands. Need a systematic roll out across the region as a priority .	Lessons to be learnt or improvements to be made from the Poruma project experience Biosecurity issues resolved Need COEX direct involvement to extend program to region?	1. Plan with Council, COEX and DES to deliver the program to all islands before waste program to create social equity and local employment. 2. Agree on the model and infrastructure needed. 3. Seek funding to establish 4. Ascertain if a sorting facility at Horn Island is practicable as a consolidation location

TSIRC WASTE MANAGEMENT PLAN - work-up table- JULY 2021

TOPIC	QIWS Deliverable	Situational Analysis	TSIRC Council Priority	Current situation	Solution	Issues / comments	Next Steps
RECYCLABLES	<p><i>Identify new waste enterprise opportunities that ... can assist in the reduction, re-use and recycling of wastes and creation of local jobs.</i></p> <p><i>Deliver and maintain waste and resource recovery collection services appropriate for each local council and community.</i></p> <p><i>Explore options to increase in-community resource recovery solutions.</i></p>	<p>Recycling processes could be considered that operate on an island basis, such as , cardboard balers, CRS refund points or larger equipment that is shared between regions or subregions.</p>	<p>Medium</p> <p>Waste reduction and recycling to reduce landfill inputs</p> <p>No other active recycling programs across the council but interested in starting.</p>	<p>While Warraber had a pilot waste project a decade ago Poruma has now well established recycling systems including CRS, printing supplies and E-waste. Council staff member very informed, active and engaged. Great champion and role model for other islands. Poruma or Warraber good sites for pilot projects.</p>	<p>Cardboard, scrap metal, batteries, paints, oil, gas bottles, used beverage containers diverted from landfill and separated for recycling at TS or CRP</p> <p>Kerbside recycling service for all non eligible beverage containers but household packaging</p> <p>Other new local recycling business opportunities are scoped.</p>	<p>Biosecurity issues resolved for COEX need agree protocols for other materials</p> <p>Quality and quantity issues require to be confirmed. Costs / revenues determined.</p> <p>End markets to be determine and destinations to confirm freight and transport logistics.</p> <p>Each island needs sorting, handling and storage infrastructure, best co-located at new TS.</p> <p>Explore any appropriate local micro-industries that are fit for purpose and scale i.e. extruded plastics.</p>	<p>1. Confirm with AWE biosecurity arrangements for each recyclable waste type.</p> <p>2. Confirm end markets product specifications and destination</p> <p>3. Develop a pilot project at Warraber island for kerbside recycling program</p> <p>4. Investigate other low cost low volume fit for purpose recycling processes such as micro-industries</p>

TSIRC WASTE MANAGEMENT PLAN - work-up table- JULY 2021

TOPIC	QIWS Deliverable	Situational Analysis	TSIRC Council Priority	Current situation	Solution	Issues / comments	Next Steps
ORGANICS / COMPOSTING	<p><i>Continuously review and improve the appropriateness of existing collection services.</i></p> <p><i>Explore options to increase in-community resource recovery solutions.</i></p>	<p>Processing organic wastes on the island of origin reduces biosecurity risk to bale and move MSW to mainland for disposal.</p> <p>Organics are significant in waste profile and diversion is the single action to achieve greatest waste diversion from landfill</p> <p>Priority must be given to organics management</p>	<p>Medium</p> <p>Organics represent the largest component of general waste on all islands. If waste to landfill is to be reduced biggest gains are managing organics.</p>	<p>TSIRC agrees on need to remove as much organic/ green-waste from general waste streams as possible.</p> <p>Previous efforts at Warraber Island were highly successful and only failed due to lack on ongoing funding but had community support</p>	<p>Green-wastes, food, paper and cardboard are composted, screened making mulch (oversize) and soil conditioner (undersize) for use on all islands.</p> <p>Outputs used on community / council gardens or sold to residents.</p>	<p>Lessons learnt from 2009 Warraber Biobin trial and applicability to future management on other islands.</p> <p>Organics separation and composting can reduce waste volumes by up to 66%.</p>	<ol style="list-style-type: none"> 1. Develop a pilot project at Warraber island for composting program 2. Investigate Biobin and other low-tech small scale composting options. 3. Incorporate composting as a primary activity in the new integrated approach . 4. Finalise standard specs and indicative costings for composting facility on each island.

TSIRC WASTE MANAGEMENT PLAN - work-up table- JULY 2021

TOPIC	QIWS Deliverable	Situational Analysis	TSIRC Council Priority	Current situation	Solution	Issues / comments	Next Steps
LEGACY METALS	<p>Explore and develop options for:</p> <ul style="list-style-type: none"> • collection of bulk scrap metals including legacy car bodies and whitegoods that maximise regional collection efficiencies, ... • identifying opportunities to overcome the challenges that prevent materials being returned to markets. 	<p>Shared council wide equipment such as a mobile based metal shredder, which makes an annual tour of the islands</p> <p>Investigate regional contracts with neighbouring councils for regular collection of stockpiled metals.</p> <p>Consider export to Asia from region to overcome AWE/AQIS rules for all legacy metal not just cars.</p> <p>TSC has purchased a shredder for own use so not interested in regional removal</p>	<p>High</p> <p>Address existing legacy issues and stockpiling. End of life cars and council plant and equipment accumulated across islands.</p>	<p>Used cars (c.1,000 +), trucks (c.150) and whitegoods are stockpiled across all landfills.</p> <p>TSIRC-only tender called late-2020.</p> <p>Council staff receptive to new island policies to control import of vehicles: bonds / one-car-on=one-car-off policy like Lord Howe Island Govt/ contractor vehicles included .</p> <p>Funds available to undertake car clean-up but cost prohibitive due to biosecurity. All scrap metal from Brisbane goes to Asia, go direct and remove all legacy scrap not just drivable cars within budget.</p>	<p>Stockpiled legacy metals (cars / whitegoods and scrap metals) are removed and sent to mainland or Asia for recycling.</p> <p>Policy and programs enacted and enforced to mitigate legacy waste re-accumulating. One on one off car policy, same for whitegoods, building contractors removing surplus materials and demolition materials.</p> <p>Need ongoing systematic removal or prevent legacy waste accumulating</p>	<p>Current EOI move dot full tender</p> <p>Any movement of metals to mainland will require extensive biosecurity treatments and high cost.</p> <p>All scrap needs to be removed so landfills can be capped and closed.</p> <p>Possible lessons from East Arnhem Regional Council project regarding approach.</p>	<p>1.Council to appoint contractor to remove either cars to mainland or all scrap metal to Asia markets.</p>

TSIRC WASTE MANAGEMENT PLAN - work-up table- JULY 2021

TOPIC	QIWS Deliverable	Situational Analysis	TSIRC Council Priority	Current situation	Solution	Issues / comments	Next Steps
CONSTRUCTION & DEMOLITION WASTES	<p>Explore alternative community uses of excess building materials prior to disposal or removal from local communities.</p> <p>Identify opportunities for the use of recycled-content from locally sourced recovered materials in Council and contractor infrastructure projects.</p>	Require contractors to take responsibility for C&D waste or introduce fees and charges to recovery costs associated with future management of surplus waste or demolition material.	<p>High</p> <p>Council has implemented a policy effective 1 July requiring all surplus builders materials and all waste to be removed at project completion.</p>	<p>Generally, C&D is separated and stockpiled at each island landfill or added to pile burn or added to scrap metal pile or offered to council / community. Limited C& D removed off island and no requirement to do so</p>	<p>C&D wastes do not go to local landfill.</p> <p>Government-funded building contracts give first preference for re-use of C&D wastes to Council and residents.</p> <p>Building contractors must remove their C&D wastes for mainland disposal.</p> <p>Any C&D wastes containing asbestos are removed by a registered ACM removalist.</p>	<p>Are there legacy C&D stockpiles at landfills? If so, do they need a separate re-use processing strategy?</p> <p>Community/ council have first right of refusal.</p> <p>Separation areas need to be included in TS design layout.</p>	<ol style="list-style-type: none"> 1. Council has enacted C&D removal policy for all contractors. 2. Ensure grantor / project agencies are made aware of C&D wastes policy change. 3. Consult grant/building agencies to draft model contract conditions, noting removal costs will be part of project allocations. 4. Educate building contractors on new policy. 5. Determine holding location for re-usable C&D materials. 6. Plan for and provide separation areas in TS design layout.

TSIRC WASTE MANAGEMENT PLAN - work-up table- JULY 2021

TOPIC	QIWS Deliverable	Situational Analysis	TSIRC Council Priority	Current situation	Solution	Issues / comments	Next Steps
OTHER WASTES	<i>Identify opportunities to incorporate dedicated areas for the separation and safe stockpiling and/or storage of waste streams such as scrap metals, whitegoods, cars, car batteries, tyres, motor oils, cooking oils, e-waste, paints and hazardous materials into the design and construction of new and existing landfills and transfer stations.</i>	<p>Investigate regional tyre / metals / oils / batteries / other disposal solutions, which may include removal of these items off the islands ASAP.</p> <p>Include a disposal fee on all items which are delivered to the islands to fund the removal of them at the end of their lives.</p> <p>Investigate regional contracts with neighbouring councils for regular collections.</p>	<p>Low</p> <p>Bundled used lead acid battery containers were purchased and installed at all landfills. Some used better than others.</p>	<p>Car batteries are consolidated and housed securely + separately at each landfill.</p> <p>Fire extinguishers, gas bottles paints, oils, E wastes are now a legacy issue at some landfills</p> <p>Some oils stored in drums (some deteriorating) for transport off the islands.</p> <p>Cooking oil from takeaways unknown</p> <p>Tyres go to landfill.</p>	<p>End-of-life batteries, tyres, oils, paints are collected and separated at transfer stations and landfills, stockpiled and <u>regularly</u> returned to regional centres for recycling / reprocessing.</p>	<p>Uncertain how / if battery containers and other items are cleared and where they are sent for processing.</p> <p>Return of some items / materials to mainland will require biosecurity treatments.</p> <p>Skip bins could be an interim solution for some bulky wastes pending landfill rationalisation.</p>	<ol style="list-style-type: none"> 1. Confirm current recycling practices for oils, tyres, batteries, e-wastes. 2. Assess legacy waste stockpiles for all islands. 3. Determine ongoing AWE biosecurity requirements to transport these materials. 4. Consider regional or sub regional collection and transport contracts. 5. Plan for and provide separation areas in TS design layout with clear signage and dedicated containers.

TSIRC WASTE MANAGEMENT PLAN - work-up table- JULY 2021

TOPIC	QIWS Deliverable	Situational Analysis	TSIRC Council Priority	Current situation	Solution	Issues / comments	Next Steps
LITTER & DUMPING	<p><i>Support the development and delivery of co-designed principles for litter and dumping communications to help communities and reflect care for Country.</i></p> <p><i>Respond to litter and dumping concerns through the provision of adequate public litter bins at various 'hotspot' and high-use areas.</i></p>	<p>Littering and dumping is not a issue on most islands which are very community minded and island proud.</p> <p>Marine litter is a ongoing issue. Some adhoc collection of debris washed ashore.</p>	<p>Low</p> <p>Pre cyclone clean-up reduces dumped loose rubbish on lands</p>	<p>Littering and dumping issues are rare in and around the streets and public spaces on all islands.</p> <p>Marine litter impacts escalating</p>	<p>Regularly monitor and empty public bins, engage schools to develop anti-littering messages or create bin-art message on litter bins</p> <p>Continue regular household bulky waste collections.</p> <p>Install public access skip bins at landfills/ transfer stations or other locations for collection of bulky wastes at other times.</p>	<p>Skip bins at TS can hold bulky waste prior to removal to reduce dumping in yard . an interim solution for some bulky wastes pending landfill rationalisation.</p> <p>Can staff / equipment handle skip bins?</p>	<ol style="list-style-type: none"> 1. Conduct regular foreshore clean-ups to collect and reduce the impact of marine debris. 2. Consider litter bin placement along foreshore so bins are available for collected marine litter 3. Ensure litter bins are designed to reduce bird scavenging and are regularly serviced

TSIRC WASTE MANAGEMENT PLAN - work-up table- JULY 2021

TOPIC	QIWS Deliverable	Situational Analysis	TSIRC Council Priority	Current situation	Solution	Issues / comments	Next Steps
COMMUNITY ENGAGEMENT AND EDUCATION	<i>Improve community understanding of recycling and waste avoidance through targeted, place-based and broader shared messages across councils.</i>	Develop and introduce community education programs (bin art, artwork / slogans co-designed with school students about the new waste program with bin stickers, community posters, radio and social media messages, Also about new TS layout and expectations	Waste reduction and recycling community education. Involve TSIRC, local businesses / church/ school / health clinic and community in solutions for waste.	There are some Council-run education programs in some islands. Education needs to include new household waste, recycling, composting and smart shopping to reduced waste if waste is to be correctly managed on the islands.	Plan for staged education campaigns that accompany new services as they are delivered including: CRS, recycling, new landfill, transfer / separation points.	<p>In QIWS Councils consistently said they did not have capacity to design programs and produce their own materials. All supported local cultural inclusions though.</p> <p>Regional approach is needed with Qld Govt, COEX and LGAQ.</p> <p>COEX 'Wave for Change' program targeted at IC grants for classroom resources for students from Prep to Year 12.</p>	<p>1. Plan with Council, DES and LGAQ community engagement re new waste programs for source separation, recycling / re-use services.</p> <p>2. Seek support from COEX for access to 'Wave for Change' grants for classroom resources for students from Prep to Year 12. If specific resources for isolated communities are required and appropriate to region request support.</p> <p>3. Consider regional programs and methods. Along with local language, art etc.</p>

TSIRC WASTE MANAGEMENT PLAN - work-up table- JULY 2021

TOPIC	QIWS Deliverable	Situational Analysis	TSIRC Council Priority	Current situation	Solution	Issues / comments	Next Steps
GOVERNANCE & REGIONAL SOLUTIONS	<i>Establish Regional Waste Strategy Groups with neighbouring councils.</i>	Investigate opportunities to consolidate waste from the entire region or sub region to a centralised landfill facility.	Set realistic, attainable compliance objectives + revise EAs.	Des held a TSIC-NPARC-TSC waste conference in 2017 or 18, but no follow up.	NPARC, TSC & TSIRC form a Regional Waste Strategy Group (RWSG).	Willingness for regional co-operation, but without regional structures, programs and support all councils act independently.	1. Seek Council views on how to establish regional waste group.
	<i>Prepare Regional Waste Management Plans.</i>	Investigate regional contracts with neighbouring councils for regular collection of stockpiled metals (especially car bodies), batteries, tyres and oils.	Identify long-term, cost-effective regional landfill solutions, including associated logistics capability and infrastructure	There is a willingness for regional co-operation.	Regional programs and contracts are co-ordinated by RWSG with state government admin and finance support.	Late 2020 TSIRC resigned from TCICA.	2. Specific Council resolutions may be needed, or a formal agreement between the 2 or 3 Councils. Role for LGAQ
	<i>Partner with the State Government to reduce regulatory complexity and ensure waste activities are fit for purpose and place.</i>			TSRA has possible waste role, including as access to Commonwealth budgets.	Priority is given to regional topics such as end of life management of waste and education.	This RWMP aims to look at opportunities for region to gain economies of scale to solve common issues collaboratively and cooperatively.	3. Confirm DES, LGAQ or other agencies and funding sources to support RWSG and establish priority programs.
	<i>Collaborate with regional groups ... in sharing heavy plant and equipment.</i>			An ongoing structure and commitment is needed for the 3 councils to form a regional waste group.	TCICA ideally placed to offer admin support to RWMG.		4. Allocate funds in future works program for waste co-ordinator
					TSIRC needs a regional waste coordinator to input to council and regional solutions		

TSIRC WASTE MANAGEMENT PLAN - work-up table- JULY 2021

WHAT TSIRC's PLAN MIGHT THEN LOOK LIKE

TOPIC	SOLUTION	STEPS	TIMING	BUDGET
Landfills	<p>All of Council's island landfills are capped, closed, rehabilitated and transfer stations constructed.</p> <p>An integrated waste program implemented as a pilot building on the previous Warraber island pilot with recycling and composting.</p> <p>All remaining MSW is baled, wrapped and shipped to a complying landfill for deep burial in accordance with the biosecurity requirements, NPARC or Springmount.</p>	<ol style="list-style-type: none"> 1. Confirm with Council, baling and wrapping disposal option. 2. Determine contract terms and conditions with NPARC for long term disposal. 3. Develop island landfill closure plan and specifications as advised by DES regulators 4. Cap and close budget included in RWMP budget build 5. Investigate alternative inter-regional landfill or other solutions to service TSIRC 6. Sea Swift to provide price based on expected waste volumes provided 		
Transfer Stations	<p>Supervised transfer stations operate on all islands to maximise waste separation.</p> <p>All remaining MSW baled, wrapped and exported off island.</p> <p>Waste is separated and stored in covered bays, bunkers, shipping containers and purpose designed containers for specific waste streams.</p> <p>Need to reduce AWE issues by reducing contact with dirt and soil.</p>	<ol style="list-style-type: none"> 1. Confirm with TSIRC agreement for waste transfer stations to maximise separation and baling functions. 2. Agree to standard transfer station design and layout 3. Prepare capex and opex budgets for all interrelated activities. 4. Confirm via TSIRC land tenure and native title issues (if any). 5. Propose Warraber island as TS pilot to determine appropriateness 		

TSIRC WASTE MANAGEMENT PLAN - work-up table- JULY 2021

TOPIC	SOLUTION	STEPS	TIMING	BUDGET
Waste Separation	<p>All bulky metals, , recyclable, garden waste, food, re-usable and hazardous / problematic wastes are separated for recycling composting or local re-use</p> <p>Waste separation infrastructure is formalised on all islands, and integrated with waste transfer stations, recycling (including CRS) and re-use facilities.</p>	<ol style="list-style-type: none"> 1. Integrate waste separation infrastructure layout to encourage separation as part of Transfer Station design. 2. Consider regional contracts for collection, transport and processing of separated wastes. 3. Determine protocols with AWE to ensure as much material as possible can be recycled off island through avoiding soil contact on an ongoing basis to reduce legacy issues. 4. Develop project pilot to test method and approach on Warraber Island. 		
Container Refund Scheme (CRS)	<p>With COEX and DES assistance, establish CRPs at each island at Transfer Station if possible.</p> <p>Operator to be determined</p> <p>COEX manages reverse logistics of container return.</p> <p>Need to establish a pilot to allow a review of operations before expanding to all islands.</p> <p>Need a systematic roll out across the region as a priority .</p>	<ol style="list-style-type: none"> 1. Plan with Council, COEX and DES to deliver the program to all islands before waste program to create social equity and local employment. 2. Agree on the model and infrastructure needed. 3. Seek funding to establish 4. Ascertain if a sorting facility at Horn Island is practicable as a consolidation location 		

TSIRC WASTE MANAGEMENT PLAN - work-up table- JULY 2021

TOPIC	SOLUTION	STEPS	TIMING	BUDGET
Recycling	<p>Cardboard, scrap metal, batteries, paints, oil, gas bottles, used beverage containers diverted from landfill and separated for recycling at TS or CRP</p> <p>Kerbside recycling service for all non eligible beverage containers but household packaging</p> <p>Other new local recycling business opportunities are scoped.</p> <p>•</p>	<ol style="list-style-type: none"> 1. Confirm with AWE biosecurity arrangements for each recyclable waste type. 2. Confirm end markets product specifications and destination 3. Develop a pilot project at Warraber island for kerbside recycling program 4. Investigate other low cost low volume fit for purpose recycling processes such as micro-industries 		
Organics / Composting	<p>Green-wastes, food, paper and cardboard are composted, screened making mulch (oversize) and soil conditioner (undersize) for use on all islands.</p> <p>Outputs used on community / council gardens or sold to residents.</p>	<ol style="list-style-type: none"> 1. Develop a pilot project at Warraber island for composting program 2. Investigate Biobin and other low-tech small scale composting options. 3. Incorporate composting as a primary activity in the new integrated approach . 4. Finalise standard specs and indicative costings for composting facility on each island. 		
Legacy Metals	<p>Stockpiled legacy metals (cars / whitegoods and scrap metals) are removed and sent to mainland or Asia for recycling. Policy and programs enacted and enforced to mitigate legacy waste re-accumulating. One on one off car policy, same for whitegoods, building contractors removing surplus materials and demolition materials.</p> <p>Need ongoing systematic removal or prevent legacy waste accumulating</p>	<ol style="list-style-type: none"> 4. Council to appoint contractor to remove either cars to mainland or all scrap metal to Asia markets. 		

TSIRC WASTE MANAGEMENT PLAN - work-up table- JULY 2021

TOPIC	SOLUTION	STEPS	TIMING	BUDGET
Construction & Demolition (C&D)	C&D wastes do not go to local landfill. Government-funded building contracts give first preference for re-use of C&D wastes to Council and residents. Building contractors must remove their C&D wastes for mainland disposal. Any C&D wastes containing asbestos are removed by a registered ACM removalist.	<ol style="list-style-type: none"> 1. Council has enacted C&D removal policy for all contractors. 2. Ensure grantor / project agencies are made aware of C&D wastes policy change. 3. Consult grant/building agencies to draft model contract conditions, noting removal costs will be part of project allocations. 4. Educate building contractors on new policy. 5. Determine holding location for re-usable C&D materials. 6. Plan for and provide separation areas in TS design layout 		
Other Wastes	End-of-life batteries, tyres, oils, paints are collected and separated at transfer stations and landfills, stockpiled and <u>regularly</u> returned to regional centres for recycling / reprocessing.	<ol style="list-style-type: none"> 1. Confirm current recycling practices for oils, tyres, batteries, e-wastes. 2. Assess legacy waste stockpiles for all islands. 3. Determine ongoing AWE biosecurity requirements to transport these materials. 4. Consider regional or sub regional collection and transport contracts. 5. Plan for and provide separation areas in TS design layout with clear signage and dedicated containers. 		

TSIRC WASTE MANAGEMENT PLAN - work-up table- JULY 2021

TOPIC	SOLUTION	STEPS	TIMING	BUDGET
Litter & Dumping	Regularly monitor and empty public bins, engage schools to develop anti-littering messages or create bin-art message on litter bins Continue regular household bulky waste collections. Install public access skip bins at landfills/ transfer stations or other locations for collection of bulky wastes at other times.	<ol style="list-style-type: none"> 1. Conduct regular foreshore clean-ups to collect and reduce the impact of marine debris. 2. Consider litter bin placement along foreshore so bins are available for collected marine litter 3. Ensure litter bins are designed to reduce bird scavenging and are regularly serviced. 		
Education & Community Engagement	Plan for staged education campaigns that accompany new services as they are delivered including: CRS, recycling, new landfill, transfer / separation points.	<ol style="list-style-type: none"> 1. Plan with Council, DES and LGAQ community engagement re new waste programs for source separation, recycling / re-use services. 2. Seek support from COEX for access to 'Wave for Change' grants for classroom resources for students from Prep to Year 12. If specific resources for isolated communities are required and appropriate to region request support. 3. Consider regional programs and methods. Along with local language, art etc. 		
TOPIC	SOLUTION	STEPS	TIMING	BUDGET
Governance & Regional Solutions	NPARC, TSC & TSIRC form a Regional Waste Strategy Group (RWSG). Regional programs and contracts are co-ordinated by RWSG with state government admin and finance support. Priority is given to regional topics such as end of life management of waste and education. TCICA ideally placed to offer admin support to RWMG. TSIRC needs a regional waste coordinator to input to council and regional solutions	<ol style="list-style-type: none"> 1. Seek Council views on how to establish regional waste group. 2. Specific Council resolutions may be needed, or a formal agreement between the 2 or 3 Councils. Role for LGAQ 3. Confirm DES, LGAQ or other agencies and funding sources to support RWSG and establish priority programs. 4. Allocate funds in future works program for waste co-ordinator. 		

DRAFT

Appendix E
Proposed Waste Management Process

Current process - everything is landfilled / burnt



STEP 1



STEP 2



STEP 3

Proposed NEW approach



BUILD A TRANSFER STATION



BALE ALL WASTE



HORN ISLAND TO NPARC



TILT TRAY TAKE BALES TO LANDFILL



NPARC LANDFILL



PUT IN SKIPS



SKIPS RETURN TO HORN ISLAND



SKIPS LOADED ONTO SHIP



Proposed NEW approach - Household systems



TSIRC Waste Management

Projects and Future Works

Climate Adaptation and Environment Standing Committee Presentation 23rd June 2021

Presented by:

Jarrah Doran-Smith – Waste and Sustainability Engineer



Contents

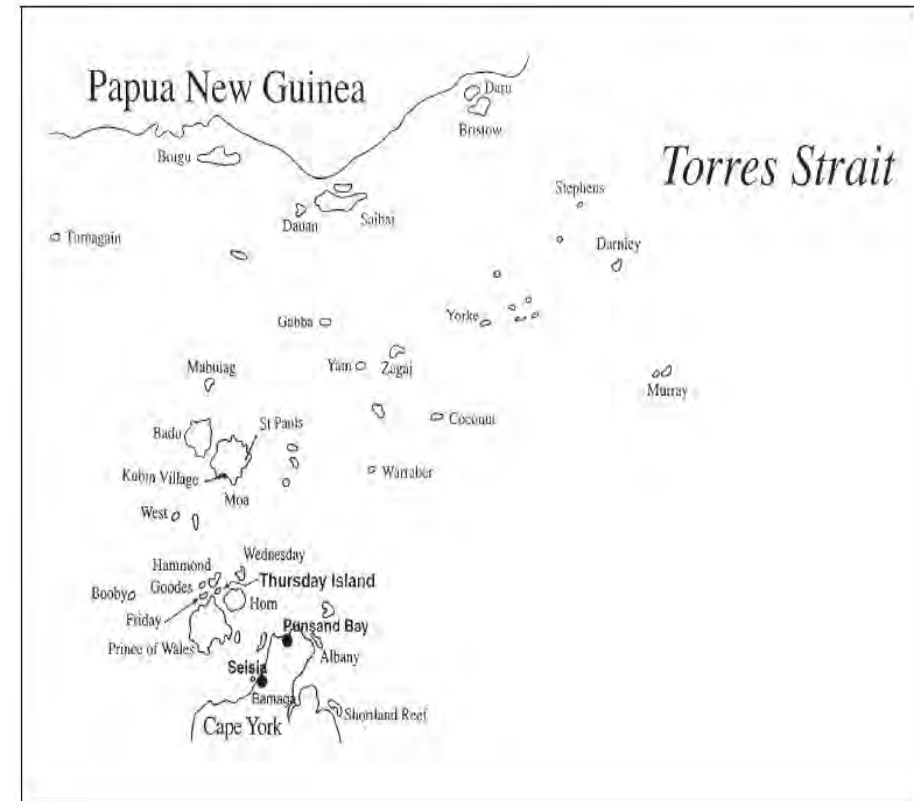
- Context
- Metal Waste Legacy Stockpile Clean-Up
 - Scope
 - Project Plan
- Local Laws - Commercial and Construction Waste Local Law amendments
- Pilot Project - Warraber Waste Management Pilot Program
 - Rubbish program / garden and food waste program
 - Recycling and education program
 - Evaluation from previous trial
- Regional Waste Management Strategy
 - APC Scope
 - Landfill
 - Transfer stations
 - Project Specifics
- TSIRC Waste Management Strategy - Specifics

Context

TSIRC's landfills and solid waste stockpiling areas face significant challenges in achieving compliance with Environmental Approvals pursuant of the *Environmental Protection Act 1994*.

Current landfills and waste stockpiling areas are lacking in appropriate resources including appropriate heavy plant, waste management infrastructure, dedicated waste management staffing and staffing amenities.

To reduce environmental risks and transition to a more sustainable waste management model, Council must work towards addressing compliance issues through critical waste reduction and waste management measures.

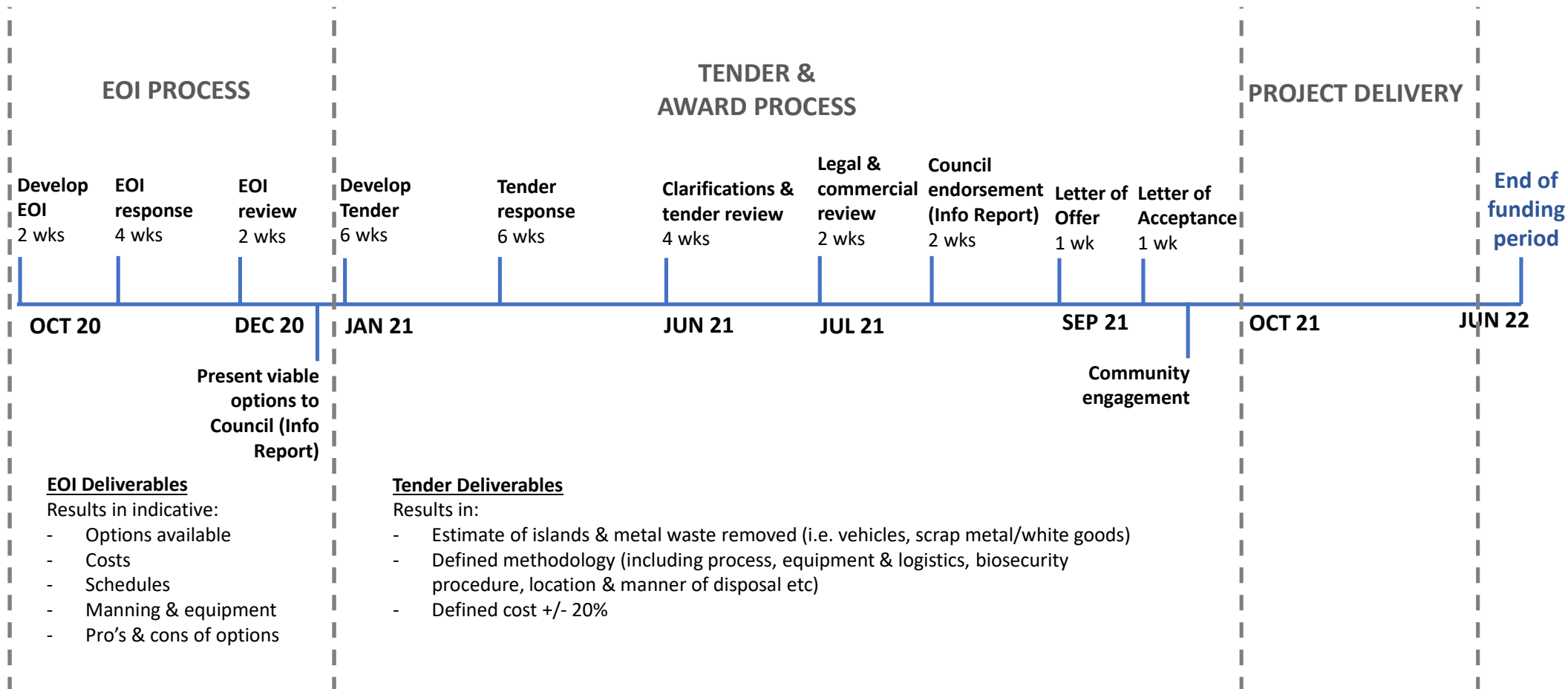


Metal Waste - Legacy Stockpile Clean-Up Scope

- Removal of legacy metal stockpiles from the islands compliant with all biosecurity requirements.
- Learnings to implement in long-term waste management strategy



Metal Waste - Project Plan



Local Laws - Commercial and Construction Waste

In March 2021, TSIRC Local Laws were amended to ensure that all waste from commercial and construction activities is restricted from being disposed at TSIRC island landfills. These changes come into full effect on 1 July 2021.

All construction and demolition waste must be removed from TSIRC jurisdiction.



Pilot Project - Warraber Waste Management

New Rubbish Program



New Garden and food Waste Program



Pilot Project - Warraber Waste Management

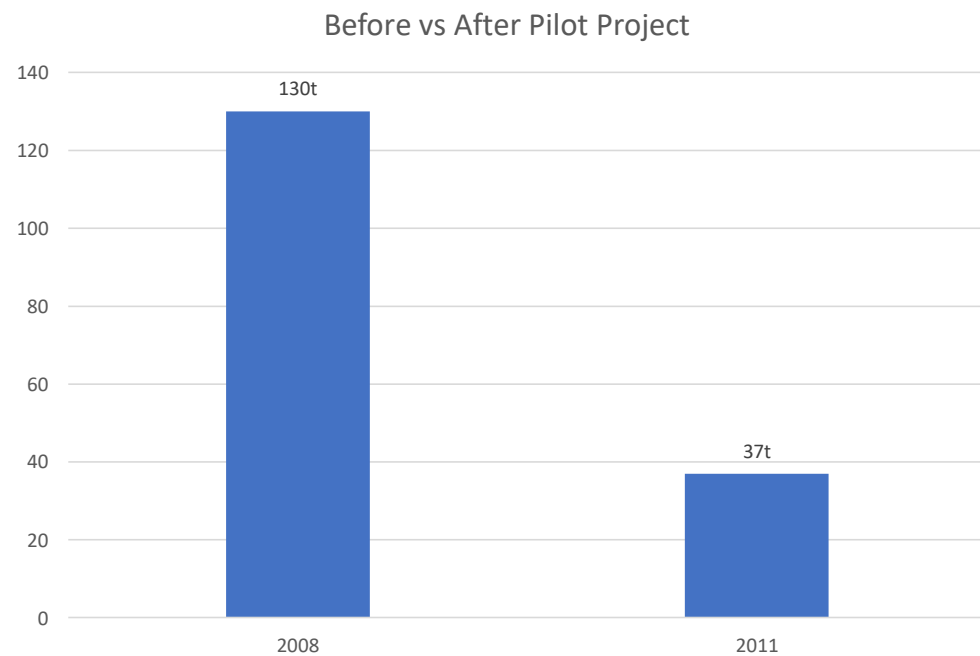
New Recycling Program



Education and Training



Pilot Project – Evaluation from previous trial



51 tonnes recycled and composted

66% less waste by weight and 45% less by volume

Regional Waste Management Strategy – APC Scope

Anne Prince Consulting have been engaged by LGAQ to complete a Regional Waste Management Strategy as part of the Queensland Indigenous Waste Strategy (QIWS).

The strategy looks at solutions:

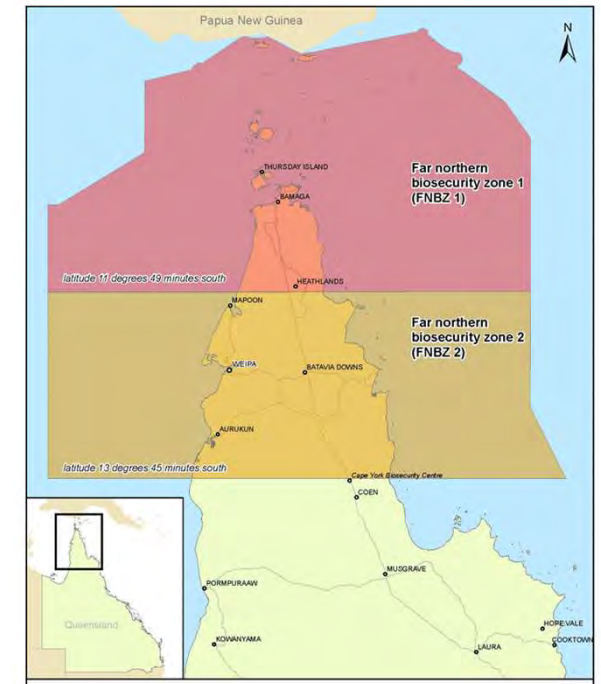
- Landfill closure and removal waste
- Transfer Stations
- Container Refund Scheme
- Recycling
- Organics composting
- Education and community engagement



Regional Waste Management Strategy

- Landfills

- Landfill Closure
- Capping and Rehabilitation - DES have provided guideline for capping requirements and no further testing is required
- TSIRC civil crew may facilitate with the works
- Waste that cannot be recycled or recovered will be baled, wrapped and sent to complying landfill, such as NPARC.
- Biosecurity will inspect and require burial at 2m depth

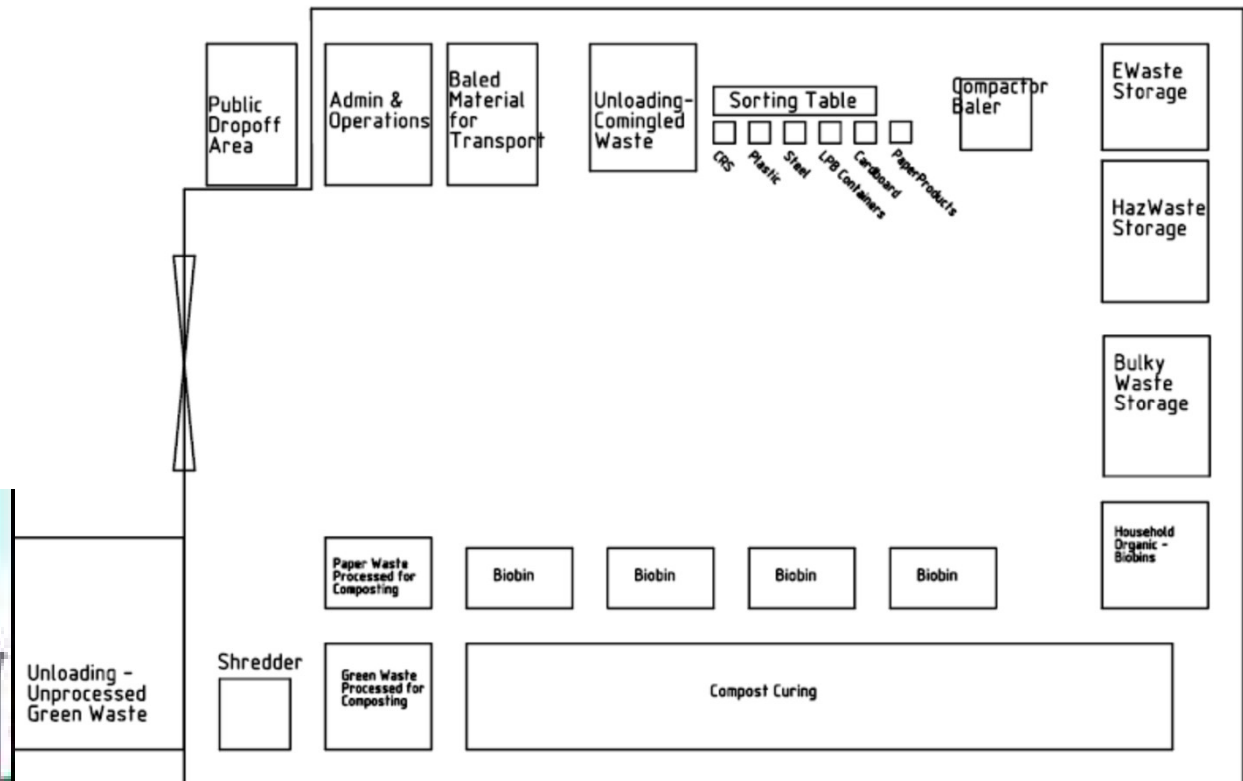


Regional Waste Management Strategy - Transfer Stations

Transfer stations built on/at old landfill sites.

Covered bays constructed for different waste material.

Scalable design to be adopted across TSIRC.



TSIRC Waste Management Strategy - Specifics

- Funding - Capex and Opex
- Processes and procedures
- Governance
- Roles and responsibilities
- Organisational Structure





TORRES STRAIT ISLAND REGIONAL COUNCIL

SARG REPORT

ORDINARY MEETING: July

DATE: 16 th July

ITEM: Agenda Item for SARG

SUBJECT: BSU Information Update

AUTHOR: Peter Jacques: Head of Building Services

Request:

That Strategic Advisory and Reference Group Committee endorse the referral of this report to the July ordinary meeting of Council.

Staffing:

After discussion with the A/COO BSU Island admin staff will be supervised by the DM's on Badu, Poruma, Kubin and Warrabar. This is to combat the distance between Island and Cairns BSU Cairns.

Partnerships:

The attached action items and commitments made during QBUILD weekly meeting on 8/7/21,

Aged Works (Job Cards & Invoicing)

- TSIRC have made a commitment to have all aged W/O's & JC's over 180 days closed out by next meeting – week of 19/07/2021

Row Labels	June 2021	TSIRC Advice – 08/07/2021
> 61-90 Days Outstanding	219	Current
> 91-120 Days Outstanding	175	Current
> 121-180 Days Outstanding	202	Current
> 181-365 Days Outstanding	98	Finalised by next meeting
> 366-730 Days Outstanding	4	Finalised by next meeting
Grand Total	698	-

Aged Quotes & Tenders

- No Outstanding items

Open Purchase orders

- TSIRC have made a commitment to have all aged OPO's from 2018 closed out by next meeting – week of 19/07/2021

	June 2021		TSIRC Advice – 08/07/2021
P.O Raised	PO No	Total Value	
2018	4	\$140,667.86	Finalised by next meeting
2019	100	\$4,199,859.00	Current
2020	158	\$4,277,272.21	Current
2021	99	\$3,741,943.49	Current
Grand Total	361	\$12,359,742.56	N/A

Program Summary Report

- TSIRC have made a commitment to have all of the below projects at practical completion (100%) by next meeting – week of 19/07/2021
 - NAHA Upgrades – 17 Projects completed
 - Home ownership – 2 projects
- TSIRC have made a commitment to provide firm completion dates for all DoE Projects by next meeting – week of 19/07/2021
 - Murray Island Playground Replacement – Tagai Campus
 - Masig/Yorke Island HIP – Res 006A
 - Masig/Yorke Island HIP – Res 006B
 - Masig/Yorke Island HIP – Res 001

Council Program of Works & Capacity

- TSIRC confirmed the below islands to be prioritised due to current council capacity to deliver works:
 - Warraber Island
 - Badu Island
 - Poruma Island
- QBuild to prioritise scoping schedule and tendering for these Islands as part of 21/22 FYR programs

Action Items

- New proposed completion inspection process (TSIRC to provide 7 days' notice of planned PC. Confirmation that the TSIRC supervisor has inspected the residence and no defects are outstanding. All certificates are to be provided at PC)
- TSIRC to provide weekly completion list at this forum of site to be inspected over the next fortnight
- TSIRC Upgrade report
 - Errors have been noted in report with TSIRC to review and update Planned dates
 - Current report had the below errors:
 - Planned Completion Dates in the Past – 71 W/O's
 - W/O's without Planned Completion Dates – 7 W/O's
- TSIRC to provide update on new staffing and structure with apprenticeship program
 - 5 apprentices – mixed trades
- SWMS - TSIRC not providing SWMS correctly – SWMS to be provided prior to Start-up Meetings.
 - Ongoing
- Completion photos are to be provided to QBuild before invoicing will be approved and processed.
 - Ongoing
- Warraber Island Water tank program Update from TSIRC – 26 still not completed

Capital Works

W4Q.R3 Ugar Guesthouse Upgrade	The Guest House Internal Demolition Completed, New windows Installed and Kitchen & Bathroom Cupboards, Bathroom fixtures have arrived. The Electrical system to be upgraded shortly along with tiling and painting. Works not expected to be completed by June 30, push out to August. Mainly Due to material shortages and Seaswift barge breakdowns of 12 weeks and issue with contractor availability. Requires W4QLD extension to 6 months.
Erub Staircase Refurbishment	Concrete stairs completed, hand rail still on order, issues with supply. June 30 deadline will be met. Handrail delays to sea swift barge breakdowns. Now at 70%, contractor availability issues.
Erub 5 Star Accom Upgrade	Now at 95 % Complete, Percentage complete to be updated. .Invoicing to be finalized to clear commitments.
Lot 162 St Pauls - House Rebuild	Under Construction
Masig Mechanic Shed Repairs Insurance	Ordering Materials
W4Q.R3 Poruma Airport Waiting Shed	Materials Ordered
W4Q.R3 Saibai Airport Waiting Shed	Materials Ordered
W4Q.R3 Masig Builder/Mechanics Workshop	Materials Ordered
W4Q.R3 Dauan Comm Hall (Only Comm Hall Now Scope Change)	Ext of Time granted Tender awarded
W4Q.R3 lama Covered Sporting Facility	Tender Awarded
Saibai Fuel	Tender Awarded Construction imminent
Ugar Fuel	Awaiting final approval Councillor
Mer Fuel	HOB meeting with Councillor regarding location and design due this month
Mer Offices & Workshop - WIP	Under Construction

Financial

Available via the finance desktop.

BSU on target to Invoice 2.3 Million for the Month of July

Future Impacts on net results.

- Removal of waste
- HOB getting a proposal from JJ Richards for the removal of Builders waste from the Islands via the use of 4 Cubic mt bins.
- HOBS discussing Waste removal with Engineering.

Notification from Housing

Maintenance Program

- The 21/22 program allocation for TSIRC is \$7.3M which includes repaint projects. Additional paint projects which are identified and deemed as urgent through our upcoming condition assessment inspections, can be added to the paint program for the 21/22 FY.

Upgrade Program

- The value of identified projects for the 21/22 program allocation is approx. \$16,890,710. This amount includes approximately \$3,705,715 of approved projects in progress that were not complete by 30th June 2021. Projects from this current FY will continue into the 2021/22 FY. Please note that the value of identified projects for the 21/22 program is based on current inspection data which formulates this program.
- QBuild as the service provider for CHDE, will also be provided with the attached program of works so that they can commence their planning, tendering and quoting process with Council for the delivery of works.

This report outlines the Roll Out of BSU Construction Management System “PROCORE

The roll out has been specifically minimized to enhance buy in and activity. This minimized approach is regarding the reduction of ‘Tools’ initially utilised within Procore.

The reduction has left the main areas of deficiencies, identified by our Stakeholder, QBuild & our internal audit performed on BSU Sept / Oct 2020.

The Main actions are;

- Gathering of works Photos and most importantly completion Photos which is a major requirement for invoicing & enhances TSIRC, BSU’s, quality & standard of delivery with greater overview.
- Completion and storage of SWMS (a legal requirement under the WHS Act 2011) This is being completed via 2 avenues
 1. TSIRC Staff completing an editable TSIRC, SWMS’s directly within The ‘Forms’ tool.
 2. Contractors adding photographic proof of their SWMS directly into the ‘Photos’ tool in Procore
- Program tracking – via all active users to each project updating the percentage completed of their work actions, directly into the ‘*Program*’ Tool within Procore.
- Defects will be controlled via the ‘*Defects*’ Tool directly from Procore and can be issued via identified non conformance works from the photos added into the project. (this has been completed on 1 project already opened the day of completion of works and closed out the following day)

These are the initial actions being rolled out with future improvement actions already identified, post initial roll out.

Role out has been targeting

- Specific island communities of Warraber, Poruma & Badu, with some action across the Northern island communities.
- TSIRC Employees and sole traders are the initial focus.
- Upgrades & HO's have been the initial focus as the workability within Procore is initially easier to understand.

Thus far actions completed or in progress.

- TSIRC Employees
 - Construction Manager has been issued tablet and connectivity
 - Regional Building Supervisors have been issued tablet and connectivity
 - Poruma tablet and Mobile for connectivity have been issued, on ground training and follow up phone assistance has occurred
 - Warraber tablet and Mobile for connectivity have been issued , on ground training and follow up phone assistance has occurred
 - 2 Contractors on Badu have been guided through activation and initial usage via multiple phone calls.
 - 1 Electrician (multiple island Communities) has been guided through activation and initial usage via multiple phone calls.
 - 1 Plumber (mainly St Pauls / Kubin and Badu) has been guided through set up (not initial usage) via phone calls
 - 1 Plumber and one of his supervisors (Warraber, Water Tank Program) has been through initial set up though encountered updating problems (via Phone.)
 - 1 Contractor Scheduled for (Friday 2/7/21) on Saibai.

Additionally:**Upgrades & HO's**

- 199 projects entered with 1956 tasks active
- Approximately ½ projects are loaded.

R&M's projects are built (1 for each Island Community)

- Co-Ordinator is set to start loading R&M Tasks into these.
- Supervisors will need support time during the initial role out of the R&M tasks.

Checks and corrections have been identified and completed through the initial stages of roll out as the sheer volume is large to get across.

Contracts Administration Officer has been across all upgrades and is competent in the creation of projects and has completed multiple actions.

Comment:

Pro core is on track for complete integration by December 2021, the system is already showing a 10% increase in productivity on ground.

ESSO

Conclusion:

That Strategic Advisory and Reference Group Committee endorse the referral of this report to the July ordinary meeting of Council.

Dawson Sailor

Endorsed:

Peter Jacques
Head of Building

Recommended:

Dawson Sailor
Position - Chief Operations Officer

Approved:

David Baldwin
Acting Chief Executive Officer

AGENDA REPORT

ORDINARY MEETING:	July 2021
DATE:	20 & 21 July 2021
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Local Law Enforcement Policy
AUTHORS:	Ewan Gunn, Manager Environment and Health Julia Maurus, Manager Legal Services
PRESENTER:	Chief Operating Officer

Recommendation:

Council resolves to:

- endorse the updated Enforcement Policy, as presented
and
- support the review of the Enforcement Procedure and support the proposed approach.

Executive Summary:

A local law enforcement working group has been established to review the effectiveness of Council's Enforcement Policy and Enforcement Procedure. The working group resolved to refer all outstanding fines to SPER and review the outcomes after a three-to-six-month period and then provide a report to Council to seek endorsement for a recommended process.

An Illegal dumping program has been undertaken on two communities (Saibai and Badu) over the last six months, involving EHW training, community education and awareness, signage, and surveillance of illegal dumping hotspot sites.

Background:

At the March 2021 Council Ordinary Meeting the following action item was recorded:

Legal and Environment & Health to submit a report to the standing committee on policy around enforcement options (including SPER) and implementation plan for enforcement of illegal dumping.

This report was presented to the Housing and Safe and Healthy Communities Standing Committee on 22 June 2021 by Manager Legal Services. At the meeting:

1. Manager Legal Services explained the administrative issues that have arisen with invoicing of fines, non-payment of fines, delay in executive approval of reminder letters, referrals to SPER, lack of action by SPER, lack of reporting by SPER of its enforcement action on the unpaid fines, and the SPER secure access token expiring.

2. The Committee requested island-by-island total of unpaid fines, so that they can remind their constituents at community meetings that they need to paid their fines. The island-by-island statistics are currently being compiled by Manager Environment and Health.
3. The Committee endorsed the recommendation to support the review of the Enforcement Policy and Enforcement Procedure and support the proposed approach. (Moved by Cr Fell, seconded by Cr Pearson.)
4. The Committee requested that the Enforcement Policy update/review be presented to the July Ordinary Meeting for endorsement of the current process by Council.

Comment:

Council authorised the Enforcement Policy PO5 in 2013 and the policy has been implemented since 2013. It was last reviewed by Council in June 2019 and was due for review 30 June 2021. The responsible Manager is the Chief Operating Officer. The Enforcement Policy PO5 is proposed to be updated as marked up in **Attachment 1**, as follows:

1. A review date of 30 June 2022 is recommended given the current review being undertaken of Council's local law enforcement.
2. Update Corporate Plan references on page 1.
3. Update the signatory to the Acting CEO.

The Enforcement Procedure PO5-PR1 has been implemented since 2015 and was authorised by the CEO. Its last review was 2018 and it was signed by CEO on 14 October 2019. The procedure was identified for review June 2020. The responsible manager is the Chief Operating Officer. See **Attachment 2** Enforcement Procedure PO5-PR1.

The Enforcement Procedure is an operational document that details the enforcement procedure and guides enforcement officers in undertaking their duties of administering compliance management of Council's local laws.

Authorised Persons are appointed by the CEO and are historically specially trained Environmental Health Workers based on each division.

Education and Awareness on local laws has been undertaken, verbal and written warnings have been issued by Authorised Persons. As a result of ongoing noncompliance with local laws, in particular animal management, at the behest of Councillors and Executives infringement notices were issued by authorised persons. Since 2017 a total of 188 infringement notices have been issued. The infringement notice fine is set at \$150. Most fines are unpaid.

Eight unpaid fines were referred to the State Penalties Enforcement Register (SPER) in 17/18, with two fine payments being recovered. No other unpaid fines have been referred to SPER. The current debtors report for infringement notices (2018 to 2021) states that there are currently about 60 debtors with outstanding fine to the value of approximately \$18K.

A compliance and enforcement working group has been convened to investigate and establish improved compliance and enforcement results. The working group consists of the Manager Legal Services, Legal Services Administration Officer, Head of Community Services, Co-Ordinator EHW, Senior Administration and Project Officer Community Services, Business Services Accountant Community Services and Manager Environment and Health. A number of options were discussed and considered by the group.

Options:

- Offer an amnesty on the unpaid fines.
- Refer all unpaid fines to SPER.
- Use a debt collection agency rather than SPER.

If there is no enforcement, it undermines the whole process and the local laws. The EHWs have lost faith and feel that they are wasting their time.

The working group resolved to re-establish the SPER referral process and to strictly follow the procedures and to review the outcomes after a three-to-six-month period and provide a report to Council.

ILLEGAL DUMPING

An Illegal dumping program has been undertaken on two communities (Saibai and Badu) over the last six months, the program is a short program funded by the Department of Environment and Science. The program aims to reduce illegal dumping, focus on prevention and intervention of illegally dumped waste entering the environment and gather data of illegal dumping in hotspot areas to assist with future prevention or intervention activities and strategy development.

As part of the program EHW have undertaken training to complete Certificate IV in Government Investigations. Illegal dumping promotional materials have been prepared for the community education and awareness presentations. Signage has been erected at the hotspot illegal dumping sites.

The program involves the Environmental Health Workers identifying hot spot sites and setting up trail cameras and to undertake active surveillance of the identified sites. The EHW have been consulting with PBC and hunters in relation to illegal dumping of turtle and dugong waste and the broader community in general regarding illegal dumping of waste.

The CEO is the delegated person for the *Waste Reduction and Recycling Act 2011*, however it is anticipated that this authority could be devolved to the EHW as authorised persons with additional education and training.

Considerations

Risk Management

Reputational:

TSIRC Local laws have been developed and established to support community safety and wellbeing. Without compliance and enforcement there will be a loss in reputation and there will likely be a reduction in health and amenity in our communities.

EHW are trained to undertake authorised person duties and are to be supported throughout the process to ensure that local laws are complied with.

Council Finance

Local Law compliance assessment and enforcement is undertaken by the Environment and Health Department. There is no dedicated funding attributed to this activity/task.

There is a fee for referral to SPER, about \$80.

\$150 fine infringement may cover cost of issue and administration of infringement however would not cover monitoring surveillance and warnings.

Consultation:

- Manager Legal Services, Coordinator Environmental Health Workers, SPER, Business Services Accountant Community Services, Financial Operations Accountant, Divisional EHW
- Housing and Safe and Healthy Communities Standing Committee (22 June 2021)

Links to Strategic Plans:

Corporate Plan

- People: Outcome 2: Our Communities are safe, healthy and active.
- Sustainability: Outcome 9: we actively reduce our environmental footprint and manage our resources sustainably.

Operation Plan

- 45 Delivery of animal management program
- 75 Provide a regional legal framework which addresses both State and Traditional Lore requirements

Statutory Requirements:

Local Government Act 2009

Local Government Regulation 2012

Torres Strait Island Regional Council Local Laws

State Penalties and Enforcement Act 1999

Waste Reduction and Recycling Act 2011

Queensland Civil and Administrative Tribunal Act 2009

Uniform Civil Procedure Rules 1999

Conclusion:

It is recommended that Council resolve to:

- endorse the updated Enforcement Policy, as presented

and
- support the review of the Enforcement Procedure and support the proposed approach.



Recommended:

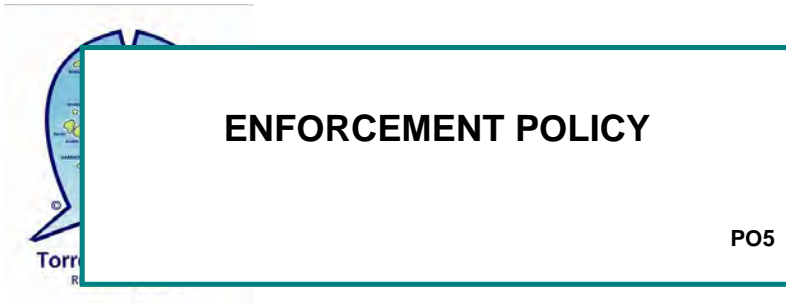
Dawson Sailor

Acting Chief Operating Officer

Endorsed:

David Baldwin

Acting Chief Executive Officer



Responsible Manager:	Chief Operating Officer
Head of Power:	<i>Local Government Act 2009 (Qld)</i> <i>State Penalties Enforcement Act 1999 (Qld)</i> <i>Queensland Civil and Administrative Tribunal Act 2009 (Qld)</i> <i>Uniform Civil Procedure Rules 1999 (Qld)</i>
Authorised by:	Council
Authorised on:	25 June 2019
Implemented from:	2013
Last Reviewed:	June 2019
Review History:	2019, 2017, 2015, 2014, 2013
To be reviewed on:	30 June 2024 <u>2022</u>
Corporate Plan:	<u>Governance</u> <ul style="list-style-type: none">• <u>People: Outcome 2: Our Communities are safe, healthy and active.</u>• <u>Sustainability: Outcome 9: we actively reduce our environmental footprint and manage our resources sustainably.</u>

1. POLICY STATEMENT

- (a) Torres Strait Island Regional Council [Council] shall employ proactive, lawful, ethical, effective, responsible, strategic, culturally sensitive and timely practices in the enforcement of rights and remedies reasonably available to it.
- (b) Council shall employ a proactive approach to efficient identification, minimisation and reporting to senior Managers of events which in all reasonableness have potential to adversely affect Council's interests.
- (c) Council shall seek to implement and proactively enforce Local Laws for the betterment of community and the welfare of constituents generally.

2. SCOPE

This Policy applies to all Council employees, Councillors, contractors and agents of Council.

AUTHORISATION

This document was duly authorised by Council as the Torres Strait Island Regional Council Enforcement Policy (PO5) on ~~25 June 2019~~ **INSERT**, and shall hereby supersede any previous policies of the same intent.

Formatted: Highlight

Date:

~~Bruce Range~~ David Baldwin

Acting Chief Executive Officer



ENFORCEMENT PROCEDURE

PO5-PR1

Responsible Manager:	Chief Operating Officer
Head of Power:	Enforcement Policy PO5
Authorised by:	Chief Executive Officer
Authorised on:	
Implemented from:	October 2015
Last reviewed:	December 2018
Review history:	2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018
To be reviewed on:	30 June 2020
Corporate Plan:	Governance

PART 1 - GENERAL

1. POLICY STATEMENT

- a) Council shall employ proactive, lawful, ethical, effective, responsible, strategic, culturally sensitive and timely practices in the enforcement of rights and remedies reasonably available to it.
- b) Council shall seek to implement and proactively enforce Local Laws for the betterment of community and the welfare of constituents generally.

2. SCOPE

- a) This Procedure shall apply to Enforcement Officers.
- b) Enforcement Officers shall seek to follow the steps outlined in the Procedure.
- c) Enforcement Officers shall conduct themselves in accordance with the terms of this Procedure.
- d) This Procedure shall operate and should be read in conjunction with other relevant Council policies and procedures and Council's Enforcement Manual.

3. INTERPRETATION

Act means the *Local Government Act 2009* (Qld) and its successors

Administration Officer – Compliance means the Administration Officer responsible to the Manager Legal Services

Authorised Person means a qualified person who has been duly appointed by the Chief Executive Officer as an Authorised Person under a Local Government Act by way of formal instrument of appointment, direction or according to law

CEO means Chief Executive Officer of Torres Strait Island Regional Council

COO means Chief Operating Officer of Torres Strait Island Regional Council

Compliance Notice means a notice of the same name issued in accordance with a Local Government Act or Local Law

Compliance Officer means a duly appointed officer within the Legal Services Division directly responsible to the CEO and responsible for administering the Procedure

Council means Torres Strait Island Regional Council

Enforcement Manual means a written procedure of the same name developed by the Local Government regulating the Enforcement Process

Enforcement Officer means a Compliance Officer, Administration Officer – Compliance, Authorised Person or other Council employee, contractor, or agent otherwise appointed to administer the Procedure

Enforcement Process means the Enforcement process specified in Schedule 1 to the Procedure

Infringement Notice means a notice of the same name issued in accordance with a Local Government Act or Local Law

Local Government Act means an Act administered by Council in its capacity as a Local Government

Offence means an offence alleged to have been committed against a provision of a Local Government Act or Local Law

Offender means a person or other entity alleged to have committed an offence against a provision of a Local Government Act or Local Law

Outlays means any cost or expense to be incurred by Council in the administration of the procedure

Phase means any phase identified in the Enforcement Process

Stop Order means an order (verbal or in writing) given by an Authorised Person under section 29 of *Local Law No 1 (Administration) 2010*

PART 2 - ENFORCEMENT

4. PROCESS

- a) Enforcement Officers shall aim to follow the Enforcement Process set out in Schedule 1 to this Procedure in administering the Procedure.
- b) Enforcement Officers shall be mindful and shall endeavour to understand the personal, cultural and financial circumstances of the Offender in assessing how best to proceed with the Enforcement process.
- c) Authorised persons shall aim to fully investigate each offence in accordance with the Enforcement Manual and shall take all reasonable steps to exhaust such investigations prior to reporting same to the Compliance Officer.

- d) The Enforcement process is not to be construed as an exhaustive list of rights and remedies available to Council and should be used as a guide only, supplemented by the Enforcement Manual.
- e) The Compliance Officer, with the approval of the CEO, may elect to proceed with an alternate course of action (including complaints and summons) where deemed appropriate, and shall have authority and discretion to pursue such lawful alternate course of action without seeking further consent of Council, unless such consent is required pursuant to statute, Local Law or another Council policy and/or procedure.

5. CRITERIA

- a) In deciding whether or not to proceed from Phase to Phase in the Enforcement Process, the Compliance Officer and/or Authorised Person shall consider and satisfy the enforcement criteria set out in Schedule 2 to the Procedure.
- b) The enforcement criteria are not exhaustive. If other relevant factors should in all reasonableness be considered in deciding whether or not to proceed from Phase to Phase in the Enforcement Process, the Enforcement Officer shall be at liberty to have regard to such considerations. The Enforcement Officer may not however, without the written approval of the Executive Manager Corporate Services, refrain from considering and satisfying mandatory enforcement criteria prescribed by this Procedure.

6. NOTICES

Enforcement Officers shall only use the notices approved by the Executive Manager Corporate Services as amended from time to time.

7. CONDUCT

- a) Authorised Persons shall investigate and address expeditiously and in good faith, any complaint made by the general public pertaining to an offence.
- b) Enforcement Officers shall only exercise those powers granted by a formal delegation of the CEO, and strictly within the limits permitted and prescribed by law.
- c) In implementing the Enforcement Process, Enforcement Officers shall maintain a professional and composed attitude and demeanour throughout all dealings with the public.

- d) Authorised persons shall refrain from:
 - i. exhibiting any conduct by way of correspondence or otherwise, which may be construed as a "threat" pursuant to section 359 of Schedule 1 (The Criminal Code) of the *Criminal Code Act 1899* (Qld); and
 - ii. exercising powers otherwise than in strict compliance with a formal instrument of appointment, lawful direction or in accordance with Council policy and procedure; and
 - iii. contravening any other law of the State or Commonwealth;
 - iv. acting in a way contrary to the Enforcement Manual.

8. INFRINGEMENT NOTICE OFFENCES

- a) The current Council-endorsed penalty structure for Infringement Notice Offences is included as Schedule 3 to this Procedure.
- b) The CEO shall be at liberty to amend the penalty structure at any time provided that the amendment is within the maximum penalty unit limit set by Council resolution.

9. DISCIPLINE

A failure by an Enforcement Officer to act within the scope of their delegation or authority may be considered to be misconduct and may attract disciplinary action under the Human Resources Handbook.

10. OUTLAYS


The COO shall have authority to make payment of all outlays for and on behalf of Council during the Enforcement Process, in accordance with the COO financial delegation.

11. SIGNING

The COO shall have the delegated authority of Council to sign all documents for and on behalf of Council of and incidental to the enforcement process.

12. AUTHORISATION

This page and the previous bearing my initials was/were duly authorised by me as the Torres Strait Island Regional Council Enforcement Procedure and shall hereby supersede any previous procedures of the same intent.



Bruce Ranga
Chief Executive Officer

DATE: 14/10/2019

SCHEDULE 1

ENFORCEMENT PROCESS

PHASE 1 – INVESTIGATION

1. **OBSERVE THE OFFENCE**

Authorised Person to personally observe the offence or record sufficient evidence of the offence.

2. **IDENTIFY THE OFFENCE**

Authorised Person to identify the provision of a Local Government Act or Local Law stipulating the offence.

3. **VERBAL WARNING OR DIRECTION**

Authorised person may give verbal direction or warning to Offender.

4. **COLLECT EVIDENCE**

Authorised Person to collect evidence to prove all elements of the offence in accordance with the Enforcement Manual.

5. **THRESHOLD ASSESSMENT**

Authorised Person to assess the offence against the Enforcement Criteria and make decision to or not to, escalate to Phase 2 - Warning.

PHASE 2 – WARNING

6. **ENFORCEMENT DATABASE**

When decision has been made to escalate to Phase 2 – Warning, Authorised Person to advise Coordinator Environmental Health and Manager Environment and Health of decision to escalate. The Administration Officer – Compliance shall update the Enforcement Database with details of the enforcement action taken.

Authorised Person to issue a Compliance Notice or Stop Order to Offender with respect to the offence.

Alternatively, the Authorised Person may issue a Warning Letter to Offender with respect to the offence, in the template form approved by the Manager Environment and Health.

7. **ASSESS COMPLIANCE**

At expiry of the period allowed in the Compliance Notice or Stop Order or Warning Letter, Authorised Person to assess compliance of Offender with the Compliance Notice or Stop Order or Warning Letter (COMPLIANT or NON-COMPLIANT).

Authorised Person to report to Manager Environment and Health with outcome [COMPLIANT or NON-COMPLIANT]. The Administration Officer – Compliance shall update the Enforcement Database with outcome.

8. THRESHOLD ASSESSMENT

On receipt of a NON-COMPLIANT report by Manager Environment and Health from an Authorised Person, Manager Environment and Health to assess the offence against Enforcement Criteria and approve or reject escalation to Phase 3 - Enforcement.

PHASE 3 – ENFORCEMENT

9. ISSUE INFRINGEMENT NOTICE

Authorised Person to issue an Infringement Notice to the Offender with respect to the offence.

10. REPORT TO MANAGER

Authorised Person to provide to Manager Environment and Health an electronic and original carbon copy of the served Infringement Notice. The Administration Officer – Compliance shall update the Enforcement Database with details of the Infringement Notice.

11. ASSESS COMPLIANCE

At expiry of the period allowed in the Infringement Notice to make payment of the fine, Authorised Person to assess compliance of Offender with the Infringement Notice (COMPLIANT or NON-COMPLIANT) and to advise Manager Environment and Health.

12. WITHDRAWING AND REISSUING INFRINGEMENT NOTICES

Authorised Persons, with approval from the Manager Environment and Health, may withdraw and reissue an Infringement Notice at any time before the fine is paid or otherwise discharged under the *State Penalties Enforcement Act 1999* (Qld). Withdrawal under these circumstances generally occurs where it has been identified that the Infringement Notice contains one or more critical errors.

There may also be circumstances where it is appropriate to withdraw and not reissue an Infringement Notice. For example, Council may no longer wish to pursue a fine. This may be as an outcome of a dispute and review.

13. THRESHOLD ASSESSMENT

If Offender has a status of NON-COMPLIANT at expiry of the Infringement Notice period, Manager Environment and Health in consultation with Compliance Officer to assess the offence against Enforcement Criteria and approve or reject escalation to Phase 4 - Reporting.

PHASE 4 – REPORTING

14. REPORT TO STATE PENALTIES ENFORCEMENT REGISTER (SPER)

If Compliance Officer reports the Offence to SPER for enforcement, Administration Officer – Compliance shall record the offence in the Enforcement Database.

15. SPER MONITORING

Compliance Officer shall remain in contact with SPER and obtain regular reports with respect to the status of reported offence(s).

16. INTERNAL REPORTING

Compliance Officer shall provide the Manager Environment and Health with quarterly reports of pending and finalised SPER matters, for inclusion in Information Reports to Council.

NOTE: This Enforcement Process does not preclude, in any way, a decision being made by the Executive Manager Corporate Services to recommend to the Chief Executive Officer, at any time, commencement of legal proceedings in a Court of competent jurisdiction, seeking prosecution of an Offender for an offence.

SCHEDULE 2

ENFORCEMENT CRITERIA

The Compliance Officer and Authorised Persons, as applicable, must satisfy the following threshold criteria before escalating from Phase to Phase of the Enforcement Process.

LEVEL 1 : PHASE 1 - INVESTIGATION to PHASE 2 - WARNING

Mandatory criteria

1. Supporting evidence satisfies all elements of the offence; and
2. There is no authorisation, reasonable justification or excuse for the offence; and
3. There is no likelihood that the offence will be temporary (less than seven (7) days in duration);

Additional criterion (need not be satisfied)

4. The breach is, in all reasonableness, capable of being remedied within a reasonable time.

LEVEL 2: PHASE 2 - WARNING to PHASE 3 - ENFORCEMENT

Mandatory criteria

1. Supporting evidence satisfies all elements of the offence; and
2. There is no authorisation, reasonable justification or excuse for the offence; and
3. There is no likelihood that the offence will be temporary (less than seven (7) days in duration); and
4. Escalation to Phase 3 would be in the public interest.

OR

The Offender has previously received a Compliance Notice or Infringement Notice for an identical offence within the past six months.

LEVEL 3: PHASE 3 - ENFORCEMENT to PHASE 4 - REPORTING

Mandatory criteria

1. Reporting, including expenditure for lodgement costs, approved by the COO; and
2. Infringement Notice properly served on the Offender at Phase 3; and
3. Supporting evidence satisfies all elements of the offence; and
4. There is no authorisation, reasonable justification or excuse for the offence; and
5. There is no likelihood that the offence will be temporary (less than seven (7) days in duration); and
6. Escalation to Phase 4 would be in the public interest.

SCHEDULE 3**COUNCIL-ENDORSED PENALTY STRUCTURE FOR INFRINGEMENT NOTICE OFFENCES****Schedule of penalties - Local Laws****KEY:** CEO Chief Executive Officer

EHW Environmental Health Worker

Penalty unit 1 unit = \$75

AUTHORISING LOCAL LAW	LOCAL LAW OFFENCE CODE	OFFENCE DESCRIPTION	AUTHORISED PERSON	SECTION OF AUTHORISING LOCAL LAW	MAX ALLOWED PENALTY UNIT	INFRINGEMENT NOTICE OFFENCE PENALTY UNITS	INFRINGEMENT NOTICE MAX FINE - \$
No 1 Administration	LL101	Undertaking a prescribed activity without approval –NO CATEGORY	EHW	6(2)(a)	50	5	375
	LL102	Undertaking a prescribed activity without approval – CATEGORY 1	EHW	6(2)(b)	50	5	375
	LL103	Undertaking a prescribed activity without approval – CATEGORY 2	EHW	6(2)(c)	200	N/A	N/A
	LL104	Undertaking a prescribed activity without approval – CATEGORY 3	EHW	6(2)(d)	500	N/A	N/A
	LL105	Providing false or misleading material in connection with an	EHW	8(7)	20	2	150

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		approval application					
	LL106	Failure to comply with the conditions of an approval	EHW	11(1)	50	5	375
	LL107	Threatening, insulting or using abusive language to an authorised person	EHW	21	20	2	150
	LL108	Failure to comply with request from an authorised person to produce records for inspection, as required by a condition of approval	EHW	25(3)	10	1	75
	LL109	Failure to comply with a compliance notice for the contravention of a local law or an approval condition	EHW	26(7)	50	5	375
	LL110	Failure to comply with a compliance notice that is authorised by a local law	EHW	27(6)	50	5	375
	LL111	Failure to comply with a stop order	EHW	29	50	5	375
	LL112	Obstructing the proper conduct of a meeting of a local government or local government	EHW	34(1)	20	2	150

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		committee					
	LL113	Failure to immediately withdraw from a meeting place and remain away	EHW	34(3)	20	2	150
No 2 Animal Management	LL201	Prohibition of keeping animals in prescribed circumstances	EHW	5(3)	50	5	375
	LL202	Requirement to de-sex	EHW	7(3)	20	2	150
	LL203	Minimum standards for keeping animals	EHW	8(2)	20	2	150
	LL204	Bringing an animal into a public place	EHW	10(2)	20	2	150
	LL205	Animal not under effective control in a public place	EHW	12(1)	20	2	150
	LL206	Dog on heat in public place	EHW	12(2)	20	2	150
	LL207	Non-removal of animal faeces in a public place	EHW	13	20	2	150
	LL208	Failure to proper enclosure (animal)	EHW	14(1)	20	2	150
	LL209	Found wandering at large (animal)	EHW	14(3)	20	2	150
	LL210	Non-compliance with	EHW	15(3)	20	2	150

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		koala area requirements					
		Responsible person (owner) must ensure animal does not attack or cause fear:	EHW	17(1)			
	LL211	a) causes death or grievous bodily harm to person			300	N/A	
	LL212	b) death or grievous bodily harm to animal			100	N/A	
	LL213	c) bodily harm to person or another animal			50	5	375
	LL214	d) other			20	2	150
		A person must not allow or encourage an animal to attack or cause fear:	EHW	17(2)			
	LL215	a) causes death or grievous bodily harm to person			300	N/A	
	LL216	b) death or grievous bodily harm to animal			100	N/A	
	LL217	c) bodily harm to person or another animal			50	5	375
	LL218	d) other			20	2	150

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	LL219	Unlawful removal of seized or impounded animal	EHW	35	50	5	375
	LL220	Sale of animals – non-compliance with conditions specified in subordinate local law	EHW	42(3)	50	5	375
No 3 Community and Environmental Management	LL301	Pest control notices (enforced under section 27(5) of the Administration Model Local Law No 1)	EHW	10(1)	50	5	375
	LL302	Prohibition on sale of local pest	EHW	11	50	5	375
	LL303	Prohibition on introducing, propagating etc. a declared local pest	EHW	12(1)	50	5	375
	N/A*	Overgrown allotments *enforced under section 27 of the Administration Model Local Law No 1	EHW	13(2)	50	5	375
	N/A*	Accumulation of objects and materials on allotments *enforced under section 27 of the Administration Model Local Law No 1	EHW	14(2)	50	5	375

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	LL306	Regulation of lighting and maintaining fires	EHW	15(3)	50	5	375
	LL307	Compliance with a prohibition or restriction prohibition of lighting or maintaining a fire where it exposes property to risk of damage or destruction	EHW	15(4)	50	5	375
	N/A*	Fire hazards *enforced under section 27 of the Administration Model Local Law No 1	EHW	16(2)	50	5	375
	N/A*	Removal or reduction of community safety hazards *enforced under section 27 of the Administration Model Local Law No 1	EHW	19(2)	50	5	375
	LL310	Prescribed requirements for community safety hazards	EHW	20(2)	50	5	375
No 4 Local Government Controlled Areas, Facilities and Roads	LL401	Prohibited and restricted activities	CEO	5(4)	20	2	150
	LL402	Opening hours of local government controlled areas	CEO	7(2)	20	2	150

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	LL403	Power of closure of local government controlled areas	CEO	8(5)	20	2	150
	LL404	Numbering of premises and allotments adjoining a road	CEO	10(1), 10(2)	10	1	75
No 7 Indigenous Community Land Management	LL701	Failure to comply with the specified conditions of the authorisation of a class of persons to enter, be in or live in the trust area	EHW	5(4)	35	4	300
	LL702	Breach of conditions prescribed by subordinate local law on use of a camping ground	EHW	10(2)	20	2	150
	LL703	Camping in a camping site or part of a camping site that is temporarily closed	EHW	12(2)	20	2	150
	LL704	Engaging in a prohibited or restricted activity in a park or reserve	EHW	15(4)	20	2	150
	LL705	Failure to comply with a request by an authorised person to produce an approval for inspection	EHW	17(2)	40	4	300