



TORRES STRAIT ISLAND REGIONAL COUNCIL

ORDINARY COUNCIL MEETING

27 June 2023

Ordinary Meeting Minutes – June 2023



**ORDINARY MEETING MINUTES
27 JUNE 2023**

PRESENT:

Cr Phillemon Mosby, Mayor
Cr Dimas Toby, Division 1 – Boigu
Cr Torenzo Elisala, Division 2 – Dauan Cr
Conwell Tabuai, Division 3 – Saibai
Cr Lama Trinkoon, Division 6 – Arkai
Cr John Levi, Division 7 – Wug (St. Pauls), Mua Island Cr
Seriako Dorante, Division 8 – Kirirri (Hammond) Cr Kabay
Tamu, Division 10 – Warraber
Cr Francis Pearson, Division 11 – Poruma
Cr Rocky Stephen, Division 13 – Ugar
Cr Jimmy Gela, Division 14 – Erub Division 15
– Mer was not represented

PRESENT:

Mr James William, Chief Executive Officer
Ms Hollie Faithfull, Executive Director Financial Services Mr David
Baldwin, Executive Director Engineering Services Mr Wayne
Green, Executive Director Building Services
Mr Dawson Sailor, Head of Community Services
Mr David Kempton, Acting Executive Director Corporate Services
Ms Julia Mauro, Senior Legal Officer
Ms Julie Marino, Senior Executive Assistant to the Chief Executive Officer
Ms Trudy Lui, Executive Assistant to the Mayor Mr
Darryl Brooks, Secretariat Officer

APOLOGIES:

Cr Keith Fell, Division 4 – Mabuiag
Cr Laurie Nona, Division 5 – Badu
Cr Getano Lui (Jnr), Deputy Mayor Division 9 – Iama
Cr Hilda Mosby, Division 12 – Masig

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1. 9.40am Welcome

Our Mayor Mosby opened the Council's Ordinary Meeting for June 2023 at 10.35am and acknowledged, Councillors, Executive and Administration Staff.

Mayor Mosby advised Council that we have a tight agenda today and a larger than usual set of papers to be discussed. Mayor Mosby also advised Council that GBK's 2023 meeting calendar clashes with Council's. In order for Councillors who have dual roles to be able to attend GBK meeting tomorrow, we will endeavour to work through today's Agenda to completion. Mayor Mosby thanked Council for their understanding and patience and very much appreciates the Councillors who have dual roles to the benefit of our community.

Mayor Mosby being physically in Cairns at this time, also acknowledged the traditional Aboriginal custodians of Cairns, where the meeting is located; as well as:

- Cultural acknowledgements for the Torres Strait region across the length and breadth of Zenadth Kes and the Gimuy-walubarra yidi people – the traditional owners of the lands on which we are meeting;
- Our Heavenly Father for his awesome wisdom, knowledge and understanding; and
- All Elders, past, present and emerging.

Attendance

Mayor Mosby completed a roll call of Councillors to establish a Quorum. A Quorum was achieved.

2. Apologies

The following apologies were noted:

- Cr Keith Fell, Division 4 – Mabuiag (medical apology by email)
- Cr Laurie Nona, Division 5 – Badu (apology by email)
- Cr Getano Lui (Jnr), Deputy Mayor, Division 9 -Iama (Sorry Business : Apology by email)
- Cr Hilda Mosby, Division 12 – Masig (medical – apology by text). (Cr John Levi relayed to Council that Cr Hilda Mosby sent her apology for non attendance).

RESOLUTION

Moved: Cr Kabay Tamu; Second: Cr Torenzo Elisala

That Council accepts the apology for Cr Keith Fell, for the June 2023 Ordinary Meeting.

MOTION CARRIED UNANIMOUS

RESOLUTION

Moved: Cr Torenzo Elisala; Second: Cr Francis Pearson

That Council accepts the apology for Cr Laurie Nona, for the June 2023 Ordinary Meeting.

MOTION CARRIED UNANIMOUS

RESOLUTION

Moved: Cr Torenzo Elisala; Second: Cr Francis Pearson

That Council accepts the apology for Cr Getano Lui (Jnr), for the June 2023 Ordinary Meeting.

MOTION CARRIED UNANIMOUS

RESOLUTION

Moved: Cr Torenzo Elisala; Second: Cr Francis Pearson

That Council accepts the apology for Cr Hilda Mosby, for the June 2023 Ordinary Meeting.

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MOTION CARRIED UNANIMOUS

3. Conflict of Interest (COI) - Declarable/Prescribed

Mayor Mosby requested that members make any relevant conflict of interest declarations and advise if any relevant legal proceedings were current pertaining to Council business to be considered at the meeting. No such declarations were made.

4. Confirmation of Previous Minutes of Council Ordinary Meeting of 25 – 26 May 2023

RESOLUTION

Moved: Cr Francis Pearson; Second: Kabay Tamu

That Council resolves to accept the minutes of the Council Ordinary Meeting of 25 – 26 May 2023, to be a true and accurate account of that meeting.

MOTION CARRIED UNANIMOUSLY

5. Confirmation of Strategic Advisory Reference Group Committee Meeting Minutes of 4 April 2023

RESOLUTION

Moved: Cr Rocky Stephen; Second: Cr Francis Pearson

That Council resolves to accept the minutes of Strategic Advisory Reference Group Committee Meeting Minutes of 4 April 2023, to be a true and accurate account of that meeting.

MOTION CARRIED UNANIMOUSLY

6. Action Items from Previous Meetings

The Chief Executive Officer provided the Council with a verbal update on action items from the Ordinary Meeting held on 25 – 26 May 2023.

A summary of the update on action items is provided is at Attachment A.

Council noted this report and its content.

ACTION: Cr Rocky Stephen to send a priority listing, based on his recommendation, targeting the needs of the Ugar community to Executive Director Engineering re the distribution of the \$40m.

ACTION ITEM: Chief Executive Officer to work with Executive Director Engineering and Acting Executive Director Corporate Services to draft a letter to Ms Vonda Malone, Chief Executive Officer Torres Strait Regional Authority clarifying Council's position in relation to the \$40m State contribution to marine infrastructure, to seek clarification in relation to RIAC prioritisation and to advise that Council wishes to apply for the maximum amount of funding available under Round One of the Growing Regions Program in order to complete much needed asset upgrades across multiple locations, including Ugar priorities.

7. Mayor Report

Mayor Mosby read through his report, verbally summarising the content.

Mayor Mosby's report is to provide Council with a monthly update on the Mayor's activities relating to Council and the Community – outlining key engagements, conversations and outcomes.

Council noted Mayor Mosby's May/June 2023 Report for Council.

ACTION ITEM: Head of Community Services to circulate to Councillors and Executive the 'Voice to Parliament' Consultation Dates for the Torres Strait.

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ACTION ITEM: Acting Executive Director Corporate Affairs to prepare a letter for the Mayor to Minister Catherine King, Minister for Infrastructure, Transport and Regional Development of Australia, to thank her for her time at their last face to face meeting (Friday 6 June 2023). In order not to jeopardise her commitment with regard to the \$40m Marine Infrastructure outcome to Torres Strait Islands, ask Minister to clarify in writing her commitment – so there is no confusion. Mayor Mosby will then relate this commitment back to community.

ACTION ITEM: Acting Executive Director Corporate Affairs to prepare letter from Mayor to Justin Mohamed (Ambassador First Nations) reiterating Council support for the Torres Strait Treaty in its current format and inviting the Ambassador to meet with Council.

ACTION ITEM: Acting Executive Director Corporate Affairs to prepare a letter for the Mayor to Minister Andrew Giles, Minister for Immigration, Citizenship and Multicultural Affairs in relation to border security, immigration, biosecurity, on ground support, PNG treaty review to improve on ground governance arrangements, invite him to visit the Torres Strait Islands.

ACTION ITEM: Acting Executive Director Corporate Affairs to prepare a letter for the Mayor to Federal Minister for Indigenous Australians (the Hon. Linda Burney MP) confirming TSIRC's support for the upcoming Referendum on the Voice to Parliament, as well as reaffirming that the Masig Statement is the Torres Strait 'Voice'; and to seek clarification on how the Torres Strait Islander 'voice' will be represented to Parliament if the Referendum succeeds.

8. Chief Executive Officer Report (verbal)

Chief Executive Officer thanked Councillors for their unwavering support and gratefully said the support has never been better. We have been going through a change management process and despite our challenges we are going in the right direction.

Key matters to note:

- Gold Coast City Council

Following a recent meeting with the Chief Executive Officer Gold Coast Council (Mr Tim Baker) the Gold Coast Council has agreed to **GIFT** the TSIRC their older model garbage trucks (value approximately \$1m).

The Gold Coast Council want to invest in TSIRC – they want to share resources; they want to be a Sister City; they want to expose their staff to our culture to see how a Council operates who has no money.

- QBuild

Written confirmation on the partnership proposition and outcomes for our communities.

- Financial Sustainability and Revenue

This is by far the most important factor for TSIRC.

Focus on being more strategic – particularly around own-sourced revenue.

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Must focus on being cost-efficient. We consume money 'just in time' – we need to plan better in order to be more strategic about how money is spent.

- Corporate Services

More focus to occur on grants, improved reporting, strategic HR sourcing and communications.

- BSU

Confident of having closure by 30 June 2023 of legacy issues. Future financial performance reports will reflect these changes. Focus is to establish BSU as an own-source revenue provider.

- Engineering Services

Capital investment is the most dominant issue that Council needs to be focused on. Engineering Services must focus more work on identifying and properly documenting needs and costings, in order to be on the front foot when applying for funding.

To assist the Executive Director Financial Services to focus on these capital investment issues, responsibility for Fuel and Fleet management has been moved into Corporate Services and the position of Head of Engineering Services has been created to help alleviate the day-to-day demands normally resting with the Executive Director.

- Community Services

Spoke to Housing Officers Meeting in Cairns on 26 June 2023 and it was an ideal opportunity to explain to officers the finer details around funding and funding sources so those officers could return and inform community on how priorities are determined by Council.

In relation to community housing matters – the work between Executive Director Building Services and Head of Community Services is to be commended. Focus is to make this Council sustainable. Housing Officers workshop currently in session, understanding and capturing data is important for Council to make informed decisions on the subject.

- Corporate Structure

New Corporate Structure commencing 1 July 2023 will now reflect five (5) Executive Directors. The Head of Community Services will now be known as Executive Director Community Services.

- Mirabou Pty Ltd & iOR Matters

A late paper will be submitted by the CEO in Closed Business in relation to Mirabou Pty Ltd. Next month another paper will be brought to Council in relation to iOR.

Council noted the Chief Executive Officer Report.

Cr Rocky Stephen commented that Council was grateful to Chief Executive Officer and Executive Director, Financial Services for their ongoing commitment to save Council money. Cr Torenzo Elisala agreed and congratulated the Chief Executive Officer and Executive Directors.

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Mayor Mosby thanked the Executive Committee for their expertise and commitment. Mayor Mosby supported the Chief Executive Officer's comments and requested Council's Standing Committees to step up their game and work closely with their respective Executive Director in order to "slay" their priority listing to community.

ACTION ITEM: Chief Executive Officer to distribute copies of the correspondence regarding: Gold Coast Council disposal of waste compactor vehicles.

ACTION ITEM: Chief Executive Officer to prepare letter of thanks from Mayor to Gold Coast Council regard donation of waste compactor vehicles and expressing interest to strengthening a formal partnership between the two Councils.

ACTION ITEM: Chief Executive Officer to prepare a Closed Business Brief in relation to iOR for the July 2023 Council Meeting.

**9. CORPORATE SERVICES: Funding Acquisition Report
RESOLUTION**

Moved: Cr Francis Pearson; Second: Cr Rocky Stephen

That Council resolves to note this report and its content.

MOTION CARRIED UNANIMOUSLY

Mayor Mosby enquired about the difference in spending between 2022 and 2023.

ACTION ITEM: Acting Executive Director Corporate Services to update Council with a comparative analysis on funding measuring performance and productivity.

10. Policy Matter – Community Grants Policy

RESOLUTION

Moved: Cr Torenzo Elisala; Second: Cr Kabay Tamu

That Council resolves to:

- 1. Amend and endorse the Torres Strait Island Regional Council's Community Grants Policy, previously endorsed by Council at its Ordinary Meeting on 7 December 2021, in the terms presented to Council; and**
- 2. Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to exercise the functions and powers assigned to the Chief Executive Officer under the amended and endorsed policy, including the power to make any further minor administrative amendments to the policy as they arise.**

MOTION CARRIED UNANIMOUSLY

11. Policy Matter – Entertainment and Hospitality Policy

RESOLUTION

Moved: Cr Francis Pearson; Second: Cr Jimmy Gela

That Council resolves to:

- 1. Amend and endorse the Torres Strait Island Regional Council's Entertainment and Hospitality Policy, previously endorsed by Council at its Ordinary Meeting on 28 June 2022, in the terms presented to Council; and**
- 2. Delegate authority to the Chief Executive Officer in accordance with the *Local Government***

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Act 2009 to exercise the functions and powers assigned to the Chief Executive Officer under the amended and endorsed policy.

MOTION CARRIED UNANIMOUSLY

12. Change of Council Ordinary Meeting Venue

RESOLUTION

Moved: Cr Torenzo Elisala; Second: Cr Rocky Stephen

That Council resolves to:

- **Change the meeting venue for the ordinary meeting of Council originally scheduled for 18-19 July 2023 on Mabuia, to be relocated to St Pauls community.**

MOTION CARRIED UNANIMOUSLY

13. Community Grants Program Allocation - June 2023

RESOLUTION

Moved: Cr Torenzo Elisala; Second: Cr Francis Pearson

Council resolves to allocate Regional Grants Program funding under Round 3 of the 2022/2023 financial year to the following applicants in accordance with the Community Grants Policy:

- **Aragun Warriors Rugby League Club for the requested amount of \$2,500.00 exclusive of GST.**

MOTION CARRIED UNANIMOUSLY

Cr Kabay Tamu declared a conflict of interest in relation to the following application and left the meeting prior to discussions.

RESOLUTION

Moved: Cr Torenzo Elisala; Second: Cr Rocky Stephen

Council resolves to allocate Regional Grants Program funding under Round 3 of the 2022/2023 financial year to the following applicants in accordance with the Community Grants Policy:

- **Iris Billy for the requested amount of \$500.00 exclusive of GST.**

MOTION CARRIED UNANIMOUSLY

Cr Kabay Tamu rejoined the meeting at the conclusion of the above recommendation.

14. Corporate Services - Top 10 Priorities

RESOLUTION

Moved: Cr Rocky Stephen; Second: Cr Francis Pearson

Council resolves to:

- **Note the contents of this report**
- **Adopt the reporting matrix.**
- **Refer the priorities to the November 2023 workshop.**

MOTION CARRIED UNANIMOUSLY

15. Policy Matter – Councillor Remuneration, Reimbursement and Facilities Provision Policy

RESOLUTION

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Moved: Cr Kabay Tamu; Second: Cr Dimas Toby

That Council resolves to:

- 1. Amend and endorse the Torres Strait Island Regional Council's Councillor Remuneration, Reimbursement and Facilities Provision Policy, previously endorsed by Council at its Ordinary Meeting on 30 June 2022, in the terms presented to Council; and**
- 2. Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to exercise the functions and powers assigned to the Chief Executive Officer under the amended and endorsed policy.**

MOTION CARRIED UNANIMOUSLY

16. Corporate Services - Torres Strait Island Regional Council 2023-24 Operational Plan

RESOLUTION

Moved: Cr Rocky Stephen; Second: Cr Dimas Toby

That Council resolve to:

- 1. Endorse the Operational Plan for the 2023-24 financial year, in accordance with Section 174 of the *Local Government Regulation 2012*; and**
- 2. Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to make any further minor administrative amendments to the Operational Plan as they arise.**

MOTION CARRIED UNANIMOUSLY

17. Corporate Services - TSIRC Corporate Structure FY23/24

RESOLUTION

Moved: Cr Francis Pearson; Second: Cr Torenzo Elisala

Council resolves to:

- 1. Adopt the amended organisational structure as presented; and**
- 2. Delegate authority to the Chief Executive Officer to implement the adopted organisational structure.**

MOTION CARRIED UNANIMOUSLY

18. Development Application – Iama Coastal Defence Works (Seawalls)

RESOLUTION

Moved: Cr Francis Pearson; Second: Cr Rocky Stephen

Council resolves to issue a Development Permit for:

- Operational Works (Prescribed Tidal Works), including Marine Plant Disturbance;**
- Material Change of Use (Environmentally Relevant Activity 16 – Extractive and Screening Activities) with the inclusion of the conditions set out in Part 7 of the Agenda report for Iama Island QLD 4875; and**
- Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to negotiate, finalise and execute any and all matters associated with or in relation to the development permit including without limitation any variations and extensions.**

MOTION CARRIED UNANIMOUSLY

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19. Development Application – Warraber Coastal Defence Works (Seawalls)

RESOLUTION

Moved: Cr Kabay Tamu; Second: Cr Francis Pearson

Council resolves to issue a Development Permit for:

- **Operational Works (Prescribed Tidal Works), including Marine Plant Disturbance;**
- **Material Change of Use (Environmentally Relevant Activity 16 – Extractive and Screening Activities); in accordance with the conditions set out in Part 7 of the Agenda report for Masig QLD 4875; and**
- **Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to negotiate, finalise and execute any and all matters associated with or in relation to the development permit including without limitation any variations and extensions.**

MOTION CARRIED UNANIMOUSLY

20. Development Application – Masig Coastal Defence Works (Seawalls)

RESOLUTION

Moved: Cr Rocky Stephen; Second: Cr Dimas Toby

Council resolves to issue a Development Permit for:

- **Operational Works (Prescribed Tidal Works), including Marine Plant Disturbance;**
- **Material Change of Use (Environmentally Relevant Activity 16 – Extractive and Screening Activities) in accordance with the conditions set out in Part 7 of the Agenda report for Masig QLD 4875; and**
- **Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to negotiate, finalise and execute any and all matters associated with or in relation to the development permit including without limitation any variations and extensions.**

MOTION CARRIED UNANIMOUSLY

21. CEQ Development Application DA05-23-07(1) St Pauls, Moa Island Lot 46 and 152 on SP256048

RESOLUTION

Moved: Cr Francis Pearson; Second: Cr Lama Trinkoon

Council resolves to:

- **Issue a Development Permit for ‘Reconfiguration of a Lot’ (2 Lots into 3 Lots) - Proposed Lot 46, Proposed Lot 151 and Proposed Lot 152), cancelling Lots 46 and 152 on SP256048, with the inclusion of the conditions set out in Part 4 of the Agenda Report for St Pauls, Moa Island;**
- **and**
- **Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to negotiate, finalise and execute any and all matters associated with or in relation to the development permit including without limitation any variations and extensions and the resulting survey plans.**

MOTION CARRIED UNANIMOUSLY

22. Adoption of Water Utility Charges for the 2023/24 Financial Year

RESOLUTION

Moved: Cr Torenzo Elisala; Second: Cr Rocky Stephen

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1. Council resolves that pursuant to Section 94 of the *Local Government Act 2009 (Qld)* and Regulation 99 of the *Local Government Regulation 2012 (Qld)*, Council make and levy water utility charges for the supply of water services by Council for the 2023/2024 financial year as follows:

Residential:

- (a) An annual access charge of \$229.00 per building (noting there may be more than one building on each property) shall be applied and levied in equal half-yearly instalments to land that is occupied and used solely for residential purposes (excluding residential land the subject of a 40-year lease to the State Government);

Mixed Use:

- (b) An annual access charge of \$1,145.00 per building (noting there may be more than one building on each property) shall be applied and levied in equal half-yearly instalments to land that is used, in part, for residential purposes and used, in part, for commercial/industrial purposes, including, but not limited to guest houses, motels, home-run businesses and tourist facilities and including whether owned by Council or owned by the occupant as a private property or Katter Lease.
- (c) In respect of all such properties and/or premises classified as mixed use at which a water meter is installed on the water service connection to such property and/or premises, water use shall be charged at the rate of \$1.58 per kilolitre for all water passing through the water meter within the water year.

Commercial:

- (d) An annual access charge of \$2,290.00 per building (noting there may be more than one building on each property) shall be applied and levied in equal half-yearly instalments to land that is occupied and used for commercial/industrial purposes, including, but not limited to:
- i. guest houses, hotels, motels;
 - ii. shops, tourist facilities, arts and culture activities;
 - iii. land used by government or utility (telecommunications, electricity);
 - iv. providers to aid in the delivery of commercial and/or government services. i.e. Education, Health, Customs, etc; or
 - v. all other land not categorised as residential or mixed use
- (e) In respect of all such properties and/or premises classified as commercial at which a water meter is installed on the water service connection to such property and/or premises, water use shall be charged at the rate of \$3.15 per kilolitre for all water passing through the water meter within the water year.

2. Council resolves, pursuant to Regulation 102 of the *Local Government Regulation 2012 (Qld)* that a water meter will be taken to be read on a particular day (nominated day) if the water meter is read at anytime within 2 weeks before the nominated day or 2 weeks after the nominated day.

MOTION CARRIED UNANIMOUSLY

23. Adoption of Sewerage Utility Charges for the 2023/24 Financial Year

RESOLUTION

Moved: Cr Kabay Tamu; Second: Cr Francis Pearson

Council resolves that pursuant to Section 94 of the *Local Government Act 2009 (Qld)* and Regulation 99 of the *Local Government Regulation 2012 (Qld)*, Council make and levy sewerage utility charges, for the supply of sewerage services by the Council for the 2023/2024 financial year as follows:

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Residential:

- (a) An annual access charge of \$274.00 per building (noting there may be more than one building on each property) shall be applied and levied in equal half-yearly instalments to land that is occupied and used solely for residential purposes (excluding residential land the subject of a 40-year lease to the State Government);

Mixed Use:

- (b) An annual access charge of \$1,370.50 per water closet (being a single pedestal, 1.3 meters of urinal or 1-3 wall hung urinals) shall be applied and levied in equal half-yearly instalments to land that is used, in part, for residential purposes and used, in part, for commercial/industrial purposes, including, but not limited to guest houses, motels, home-run businesses and tourist facilities and including whether owned by Council or owned by the occupant as a private property or Katter Lease.

Commercial:

- (c) An annual access charge of \$2,740.50 per water closet (being a single pedestal, 1.3 meters of urinal or 1-3 wall hung urinals) shall be applied and levied in equal half-yearly instalments to land that is occupied and used for commercial/industrial purposes, including, but not limited to:
- (i) guest houses, hotels, motels;
 - (ii) shops, tourist facilities, arts and culture activities;
 - (iii) land used by government or utility (telecommunications, electricity);
 - (iv) providers to aid in the delivery of commercial and/or government services.
i.e. Education, Health, Customs, etc; or
 - (v) all other land not categorised as residential or mixed use.

MOTION CARRIED UNANIMOUSLY

24. Adoption of Waste Management Utility Charges for the 2023/24 Financial Year

RESOLUTION

Moved: Cr Dimas Toby; Second: Cr Francis Pearson

Council resolves that pursuant to Section 94 of the *Local Government Act 2009 (Qld)* and Regulation 99 of the *Local Government Regulation 2012 (Qld)*, Council make and levy waste management utility charges, for the supply of waste management services by the Council for the 2023/2024 financial year as follows:

Residential:

- (a) An annual access charge of \$152.50 per building (noting there may be more than one building on each property) shall be applied and levied in equal half-yearly instalments to land that is occupied and used solely for residential purposes (excluding residential land the subject of a 40-year lease to the State Government);

Mixed Use:

- (b) An access charge of \$761.50 per building (noting there may be more than one building on each property) shall be applied and levied in equal half-yearly instalments to land that is used, in part, for residential purposes and used, in part, for commercial/industrial purposes, including, but not limited to guest houses, motels, home-run businesses and tourist facilities and including whether owned by Council or owned by the occupant as a private property or Katter Lease.

Commercial:

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- (c) An access charge of \$1,522.00 per building (noting there may be more than one building on each property) shall be applied and levied in equal half-yearly instalments to land that is occupied and used for commercial/industrial purposes, including, but not limited to:
- (i) guest houses, hotels, motels;
 - (ii) shops, tourist facilities, arts and culture activities;
 - (iii) land used by government or utility (telecommunications, electricity);
 - (iv) providers to aid in the delivery of commercial and/or government services.
i.e. Education, Health, Customs, etc; or
 - (v) all other land not categorised as residential or mixed use.

MOTION CARRIED UNANIMOUSLY

ACTION ITEM: Executive Director Financial Services and the Head of Community Services to provide Cr Francis Pearson with details on Payment Plan Information for distribution to community members.

25. Financial Services - 2023/24 Estimated Statement of Financial Position

RESOLUTION

Moved: Cr Torenzo Elisala; Second: Cr Dimas Toby

That Council note the Estimated Statement of Financial Position in accordance with Section 205 of the *Local Government Regulation 2012*.

MOTION CARRIED UNANIMOUSLY

26. Financial Services - 2023/2024 Original Budget

RESOLUTION

Moved: Cr Seriako Dorante; Second: Cr John Levi

That Council adopts in accordance with s169 and s170 of the *Local Government Regulation 2012*, Council's Original Budget for the 2023-2024 Financial Year as presented, incorporating:

- (i) The statements of financial position;
- (ii) The statements of cashflow;
- (iii) The statements of income and expenditure;
- (iv) The statements of changes in equity;
- (v) The long-term financial forecast;
- (vi) The revenue statement;
- (vii) The revenue policy (adopted by Council resolution on 25 May 2023)
- (viii) The relevant measures of financial sustainability; and
- (ix) The total value of the change, expressed as a percentage, in the rates and utility charges levied for the financial year compared with the rates and utility charges levied in the previous budget; and
- (x) Capital budget.

MOTION CARRIED UNANIMOUSLY

27. Policy Matter - Procurement and Ethical Sourcing Policy for review

RESOLUTION

Moved: Cr Rocky Stephen; Second: Cr Torenzo Elisala

Council resolves:

1. To adopt the amended Procurement & Ethical Sourcing Policy in the form attached;

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2. Pursuant to sections 236 and 257 of the *Local Government Act 2009 (Qld)*, to delegate to the Chief Executive Officer the power to:
 - (a) Enter into, negotiate, make, sign, amend or discharge contracts or sub-delegate such powers up to a value of \$200,000 (ex. GST), subject to the limitations provided for in the Procurement & Ethical Sourcing Policy; and
 - (b) Enter into negotiate, make, sign, amend or discharge contracts or sub-delegate such powers for recurring operational expenditure to an unlimited value, subject to the limitations provided for in the Procurement & Ethical Sourcing Policy.

3. Pursuant to Section 257 of the *Local Government Act 2009 (Qld)*, Council delegates to the Chief Executive Officer:
 - (a) The power to approve and lodge quotes/tenders to QBuild on behalf of the Torres Strait Island Regional Council for any and all works to be undertaken by Council's Building Services within Council's Local Government Area, provided the value of those works the subject of the quote/tender does not exceed \$1,000,000.00 excluding GST;
 - (b) The power pursuant to Section 236 of the *Local Government Act 2009 (Qld)* to sign any quote/tender or contract on behalf of the Torres Strait Island Regional Council with QBuild provided the value of those works the subject of the quote/tender or contract does not exceed \$1,000,000.00 excluding GST; and
 - (c) The power pursuant to Section 262 of the *Local Government Act 2009 (Qld)* to enter into any quote/tender or contract on behalf of Torres Strait Island Regional Council with QBuild provided the value of those works the subject of the quote/tender or contract does not exceed \$1,000,000.00 excluding GST.

4. The Chief Executive Officer may not sub-delegate these delegated powers under Resolution 3 above where such sub-delegation would exceed \$500,000 excluding GST.

MOTION CARRIED UNANIMOUSLY

28. Policy Matter - Financial Policies Review

RESOLUTION

Moved: Cr Kabay Tamu; Second: Torenzo Elisala

Council resolves to:

1. Amend and adopt the Torres Strait Island Regional Council's:
 - Investment Policy;
 - Debt Policy;previously adopted by Council, in the terms presented to Council at today's Ordinary Meeting; and
2. Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to exercise the functions and powers assigned to the Chief Executive Officer under the amended and endorsed policy, including the power to make any further minor administrative amendments to the policy as they arise.

MOTION CARRIED UNANIMOUSLY

29. Financial Dashboard Report – May 2023

RESOLUTION

Moved: Cr Torenzo Elisala; Second: Cr Dimas Toby

That Council receive and endorse the monthly financial statements attached to the officer's report for the 2022-23 year to date, for the period ended 31 May 2023, as required under Section 204 Local Government Regulation 2012.

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MOTION CARRIED UNANIMOUSLY

30. **Award Tender TSIRC 2023-405 Register of Prequalified Suppliers (RoPS) for Goods, Services and Materials**

RESOLUTION

Moved: Cr Francis Pearson; Second: Cr Rocky Stephen

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

1. Approve Tender Acceptance of conforming responses to the Tender for the establishment of a Register of Prequalified Suppliers (RoPS) for Goods, Services and Materials (TSIRC 2023-405) per attachment 1 for a term of three (3) years from the date of official commencement as specified in the Letter of Acceptance to the successful Tenderers. For each 12-month period of the Contract, there will be a renewal process for the Suppliers on the Register. Suppliers will be entitled to review and submit adjusted pricing for the second and third 12-month periods of the Contract.
2. Delegate power to the Chief Executive Officer pursuant to section 257 of the *Local Government Act 2009* to negotiate, finalise and execute any and all matters associated with or in relation to this arrangement including without limitation any options and/or variations as per Council's procurement and ethical sourcing policy and;
3. Delegate to the Chief Executive Officer to further engage with the non-conforming tenderers per Council's policies and procedures.

MOTION CARRIED UNANIMOUSLY

31. **MOVE INTO CLOSED BUSINESS**

RESOLUTION

Moved: Cr Torenzo Elisala; Second: Cr Rocky Stephen

That in accordance with Section 254J of the *Local Government Regulation 2012 (Qld)* it is resolved for the meeting to move into Closed Business to discuss the following agenda items:

32. ENGINEERING SERVICES: Contractual Matter –TSIRC 2022-364 Design and Construct Contract, W4Q Fuel Infrastructure Upgrade - Boigu
33. ENGINEERING SERVICES: Contractual Matter –TSIRC 2022-365 Design and Construct Contract, W4Q Fuel Infrastructure Upgrade - Erub
34. ENGINEERING SERVICES: Contractual Matter – TSIRC 2022-366 Design and Construct Contract, W4Q Fuel Infrastructure Upgrade - Mabuig
35. ENGINEERING SERVICES: Write-off the Amount of \$16, 282.56
36. ENGINEERING SERVICES: Fuel Update
37. ENGINEERING SERVICES: TSIRC Metal Waste Legacy Stockpile Clean-Up Project – Update
38. ENGINEERING SERVICES: Award of Purchase Orders for Masig Seawall Stage 1

LATE PAPER SUBMITTED DURING COUNCIL MEETING BY CHIEF EXECUTIVE OFFICER]: Mirabou Pty Ltd trading as Mirabou Energy

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MOTION CARRIED UNANIMOUSLY

39. MOVE OUT OF CLOSED BUSINESS

RESOLUTION

Moved: Cr Jimmy Gela; Second: Cr Rocky Stephen

That Council resolves to move out of closed business and resume in open business.

MOTION CARRIED UNANIMOUSLY

40. CONSIDERATION OF MATTERS DISCUSSED IN CLOSED BUSINESS

32 ENGINEERING SERVICES: Contractual Matter –TSIRC 2022-364 Design and Construct Contract, W4Q Fuel Infrastructure Upgrade - Boigu

Moved: Cr Torenzo Elisala; Second: Cr Rocky Stephen

RESOLUTION

That the Council resolves to:

- Award Tender No. TSIRC 2022-364 – Design and Construct Contract, W4Q Fuel Infrastructure Upgrade - Boigu, to TI Concrete Works Pty Ltd for an amount of up to \$294,236.10 excl. GST; and
- Pursuant to section 257 of the *Local Government Act 2009*, to delegate to the Chief Executive Officer power to negotiate, finalise, and execute any and all matters associated with or in relation to this project, funding and contract including without limitation any options and/or variations as per Council's procurement and ethical sourcing policy.

MOTION CARRIED UNANIMOUSLY

33 ENGINEERING SERVICES: Contractual Matter –TSIRC 2022-365 Design and Construct Contract W4Q Fuel Infrastructure Upgrade - Erub

Moved: Cr Francis Pearson; Second: Cr Jimmy Gela

RESOLUTION

That the Council resolves to:

- Award Tender No. TSIRC 2022-365 – Design and Construct Contract, W4Q Fuel Infrastructure Upgrade - Erub, to TI Concrete Works Pty Ltd for an amount of up to \$294,236.10 excl. GST. and
- Pursuant to section 257 of the *Local Government Act 2009*, to delegate to the Chief Executive Officer power to negotiate, finalise, and execute any and all matters associated with or in relation to this project, funding and contract including without limitation any options and/or variations as per Council's procurement and ethical sourcing policy.

MOTION CARRIED UNANIMOUSLY

34 ENGINEERING SERVICES: Contractual Matter – TSIRC 2022-366 Design and Construct Contract, W4Q Fuel Infrastructure Upgrade - Mabuiag

Moved: Cr Rocky Stephen; Second: Cr Jimmy Gela

RESOLUTION

That the Council resolves to:

- Award Tender No. TSIRC 2022-366 – Design and Construct Contract, W4Q Fuel Infrastructure Upgrade - Mabuiag, to TI Concrete Works Pty Ltd for an amount of up to \$294,356.15 excl. GST; and

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- Pursuant to section 257 of the *Local Government Act 2009*, to delegate to the Chief Executive Officer power to negotiate, finalise, and execute any and all matters associated with or in relation to this project, funding and contract including without limitation any options and/or variations as per Council's procurement and ethical sourcing policy.

MOTION CARRIED UNANIMOUSLY

35 ENGINEERING SERVICES: Write-off the Amount of \$16, 282.56

Moved: Cr Francis Pearson; Second: Cr Jimmy Gela

RESOLUTION

Council resolves to write-off the amount of \$16,282.56 being the value of fuel misappropriated from Council premises.

MOTION CARRIED UNANIMOUSLY

36 ENGINEERING SERVICES: Fuel Update

Moved: Cr Lama Trinkoon; Second: Cr John Levi

RESOLUTION

Council notes the report.

MOTION CARRIED UNANIMOUSLY

37 ENGINEERING SERVICES: TSIRC Metal Waste Legacy Stockpile Clean-Up Project - Update

Moved: Cr Francis Pearson; Second: Cr Torenzo Elisala

RESOLUTION

Council resolves to note the content of this report.

MOTION CARRIED UNANIMOUSLY

ACTION ITEM: Chief Executive Officer/ED Engineering Services to organise media opportunity at conclusion of clean-up on Badu.

38 ENGINEERING SERVICES: Award of Purchase Orders for Masig Seawall Stage 1

Moved: Cr Dimas Toby; Second: Cr Rocky Stephen

RESOLUTION

Council resolves to:

1. Award for the purposes of the Masig Seawalls Stage 1 project construction:
 - Freight services to Sea Swift Pty Ltd to an amount of up to \$390,500.00
 - Air transport services to Torres Strait Air to an amount of up to \$274,100.00
 - Plant hire services to Hastings Deering Pty Ltd to an amount of up to \$231,000.00
2. Pursuant to section 257 of the *Local Government Act 2009*, to delegate to the Chief Executive Officer:
 - Power to make, amend or discharge these Purchase Orders, and
 - Power to negotiate, finalise and execute any and all matters associated with or in relation to these Purchase Orders including without limitation any options and/or variations.

MOTION CARRIED UNANIMOUSLY

LATE PAPER (Submitted by the CEO): Mirabou Pty Ltd trading as Mirabou Energy

Moved: Cr Dimas Toby; Second: Cr Jimmy Gela

RESOLUTION

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That Council resolve:

1. To engage Mirabou Pty Ltd to represent and liaise with third parties that it is TSIRC's strategic sustainable electricity and energy advisor for the purposes of furthering a sustainable energy project in the Torres Strait; and
2. Pursuant to Sections 236 and 257 of the *Local Government Act 2009 (Qld)*, to delegate to the CEO the power to:
 - (a) In consultation with the Executive Leadership Team, negotiate, make, sign, amend or discharge a Heads of Agreement with Mirabou Pty Ltd, a pre-qualified supplier, to progress the sustainable energy project in the Torres Strait with an objective to reduce energy costs of the community, reduce TSIRC's costs of subsidising energy costs and to de-carbonise energy supply to the Torres Strait; and
 - (b) Provide a letter to Mirabou Pty Ltd which can be provided to third parties confirming the authorisation at resolution 1 above.

MOTION CARRIED UNANIMOUSLY

ACTION ITEM: Executive Committee and MacDonnell Law to meet ASAP to finalise Heads of Agreement and Letter of Confirmation between TSIRC and Mirabou Pty Ltd.

41. Business Arising

No business discussed.

42. Strategic Matters

No business discussed.

43. Next Council Meeting Date: 18-19 July 2023 Wug (St. Pauls).

44. Closing Remarks and Prayer

Mayor Mosby reminded Council to prepare for the upcoming Referendum on an Aboriginal and Torres Strait Islander Voice to Parliament and the Path to Treaty. The Commitment signifies a collective pledge to be courageous and curious, to be open to hearing the truth of our state's history and to collaborate in readiness for negotiating treaties.

Mayor Mosby also spoke about the possibility of the August 2023 Council taking place on Badu on 22-23 August 2023.

Masig Statement. What legacy do we want to leave behind? Making a positive impact can keep people alive in the memories and lives of others. We are urged to focus on establishing meaningful goals and the legacy they may leave by putting a stamp on the future and making a contribution to future generations. Together we have made some tough decisions and had even tougher conversations.

With reference to the upcoming Local Government elections in 2024, what do we want to leave behind if we are not re-elected? Or if we do come back – we will stand proud of continuing what we started.

Mayor Mosby thanked the Chief Executive Officer for his unquestionable commitment and dedication to Council.

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Mayor Mosby invited participants to be upstanding as Cr John Levi closed the meeting in prayer.
The meeting closed at 5.50pm.

.....
Mr James William
Chief Executive Officer
Torres Strait Island Regional Council
Date:

.....
Cr. Phillemon Mosby
Mayor
Torres Strait Island Regional Council
Date: