

AGENDA

TORRES STRAIT ISLAND REGIONAL COUNCIL

December 2021

Tuesday 7th December 2021, 10:30am – 5:00pm

Wednesday 8th December 2021, 9:00am – 5:00pm

Video Conference

COUNCIL ORDINARY MEETING
Tuesday 7th December 2021
Agenda Items:

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| 1. | <u>11:20am – 11:30am</u> | <u>Welcome and Opening Remarks</u> |
| 2. | <u>11:30am – 11:40am</u> | <u>Apologies</u> |
| 3. | <u>11:40am – 11:50am</u> | <u>Declaration of Conflict of Interest (COI) (Prescribed and Declarable)</u> |
| 4. | <u>11:50am – 12:00pm</u> | <u>Confirmation of Previous Council Ordinary Meeting Minutes</u> <ul style="list-style-type: none">• 15th and 16th November 2021 |
| 5. | <u>12:00pm – 11:10pm</u> | <u>Confirmation of Previous Housing and Safe and Healthy Committee Minutes</u> <ul style="list-style-type: none">• 4th November 2021 |
| 6. | <u>12:10pm – 12:30pm</u> | <u>Outstanding Council Ordinary Meeting Action Items</u> |

LUNCH 12:30pm – 1:30pm

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| 7. | <u>1:30pm – 1:45pm</u> | <u>Standing Agenda Items:</u> <ul style="list-style-type: none">• Executive Director, Communities and Building Services - Housing Authority (verbal) |
| 8. | <u>1:45pm – 2:45pm</u> | <u>CORPORATE – Community Grant Policy - Late</u> |
| 9. | <u>2:45pm – 3:05pm</u> | <u>CORPORATE – Community Grant Allocation - December</u> |
| 10. | <u>3:05pm – 3:25pm</u> | <u>CORPORATE – Funding Acquisition Report</u> |

AFTERNOON TEA 3:25pm – 3:40pm

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| 11. | <u>3:40pm – 4:00pm</u> | <u>CORPORATE – COVID-19 operating update</u> |
| 12. | <u>4:00pm – 4:50pm</u> | <u>CORPORATE – Standing Committee Review</u> |
| 13. | <u>4:50pm – 5:00pm</u> | <u>Closing Remarks and Prayer</u> |

COUNCIL ORDINARY MEETING
Wednesday 8th December 2021
Agenda Items:

14. 9:00am – 9:05am Welcome and opening prayer.
15. 9:05am – 10:00am Deputation 1 | DFAT – Mr Andrew Berryman

MORNING TEA 10:00am – 10:20am

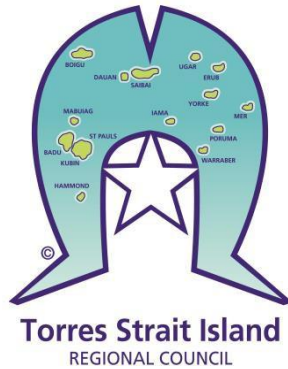
16. 10:20am – 10:40am CORPORATE – Alcohol and Drug Management in the Workplace
17. 10:40am – 11:00am ENGINEERING – Award Tender No. TSIRC 2021-349 – ICCIP Project #53 – Masig Water Lagoon Cover Replacement
18. 11:00am – 11:20am ENGINEERING – Award Tender No. TSIRC 2021-352 Poruma Seawall Stage 4 – Supply of Construction Materials
19. 11:20am – 11:40am ENGINEERING – Award Quotation NO. RFQ-ICCIP #24 – Water and Wastewater Survey
20. 11:40am – 12:00pm LEGAL – Development Application – Material Change of Use (Telecommunication Facility) – Lot 51 on SP271019 FL Gerainelgau, Yabu Island – Kubin, Moa Island Qld 4875
21. 12:00pm – 12:20pm LEGAL – Proposed Ordinary Meeting Dates for 2022

LUNCH 12:20pm – 1:20pm

22. 1:20pm – 1:40pm LEGAL – Delegation Update Building Regulation 2021
23. 1:40pm – 2:10pm LEGAL – COVID 19 Entry to Trust Areas
24. 2:10pm – 2:10pm COUNCIL MOVES INTO CLOSED BUSINESS
25. 2:10pm – 2:30pm LEGAL – Appointment of acting CEO
26. 2:30pm – 3:00pm BUILDING – CB – BSU Monthly Update

AFTERNOON TEA 3:00pm – 3:10pm

27. 3:10pm – 3:40pm FINANCE – CB – Finance Monthly Report – Late
28. 3:40pm – 4:00pm MAYOR – CEO Recruitment - Late
29. 4:00pm – 4:00pm COUNCIL MOVES OUT OF CLOSED BUSINESS AND RESUME IN OPEN COUNCIL
30. 4:00pm – 4:30pm FINANCE – Budget Review 2021/2022 - Late
31. 4:30pm – 4:40pm Business Arising from Information Reports
32. 4:40pm – 4:45pm Next Council Meeting Date - To Be Advised
33. 4:45pm – 4:55pm Strategic Matters
34. 4:55pm – 5:00pm Closing Remarks and Prayer



DRAFT MINUTES

TORRES STRAIT ISLAND REGIONAL COUNCIL

NOVEMBER 2021

Monday 15th November, 12:04pm – 5:00pm

Tuesday 16th November, 9:00am – 5:09pm

Nintiringanyi Cultural Training Centre
Cairns

COUNCIL ORDINARY MEETING
Monday 15th November 2021

PRESENT

Cr Phillemon Mosby, Mayor
Cr Dimas Toby, Division 1 – Boigu
Cr Torenzo Elisala, Division 2 – Dauan
Cr Conwell Tabuai, Division 3 – Saibai
Cr Keith Fell, Division 4 – Mabuiag
Cr Laurie Nona, Division 5 – Badu
Cr Lama Trinkoon, Division 6 – Kubin (Arkai), Mua Island
Cr John Levi, Division 7 – Wug (St Pauls), Mua Island
Cr Seriako Dorante, Division 8 – Kirriri (Hammond)
Cr Getano Lui Jnr, Division 9 – Iama (Yam)
Cr Kabay Tamu, Division 10 – Warraber (Sue)
Cr Francis Pearson, Division 11 – Poruma (Coconut)
Cr Hilda Mosby, Division 12 – Masig (Yorke)
Cr Rocky Stephen, Division 13 – Ugar (Stephen)
Cr Jimmy Gela, Division 14 – Erub (Darnley)
Cr Aven Noah, Division 15 – Mer (Murray)

Mr David Baldwin, Acting Chief Executive Officer (ACEO)
Ms Hollie Faithfull, Executive Director, Financial Services (EDFS)
Mr Dawson Sailor, Acting Executive Director, Community and Building Services (AEDCBS)
Mr Adeah Kabai, Acting Executive Director, Engineering Services (EDES)
Ms Julia Maurus, Senior Legal Officer (SLO)
Ms Ursula Nai, Senior Executive Assistant (SEA)
Ms May Mosby, Acting Secretariat Officer (ASO)

APOLOGIES

Ms Megan Barrett, Interim Executive Director, Corporate Services (IEDCS)

COUNCIL ORDINARY MEETING
Monday, 15th November 2021

1. 12:00pm – 12:02pm Welcome and Opening Remarks

Mayor Mosby welcomed Councillors and acknowledged and paid respects to:

- Our Heavenly Father
- Traditional Owners on the lands we meet on today in the Cairns Region and across Zenadth Kes
- All Elders past, present and emerging

2. 12:02pm – 12:03pm Apologies

No apologies noted.

3. 12:03pm – 12:05pm Declaration of Conflict of Interest (COI) (Prescribed and Declarable)

Cr Jimmy Gela declared a Prescribed Conflict of Interest in Council Meeting Agenda Item 10 – CORPORATE – Community Grants Program Allocation – November 2021 from The Ark of Transfiguration Church, Erub Community and Erubam Le Traditional Land and Sea Owners (Torres Strait Islanders) Corporation RNTBC as a person involved is a close relative and therefore a related party under s150EP. Cr Jimmy Gela declared an interest under s150EL.

Cr Jimmy Gela advised he would leave and stay away from the place where the meeting is being held while this matter is discussed and voted on.

Cr Rocky Stephen declared a Prescribed Conflict of Interest in Council Meeting Agenda Item 10 – CORPORATE – Community Grants Program Allocation – November 2021 from The Ark of Transfiguration Church as a person involved is a close relative and therefore a related party under s150EP. Cr Rocky Stephen declared an interest under s150EL.

Cr Rocky Stephen advised he would leave and stay away from the place where the meeting is being held while this matter is discussed and voted on.

Cr Hilda Mosby declared a Prescribed Conflict of Interest in Council Meeting Agenda Item 10 – CORPORATE – Community Grants Program Allocation – November 2021 from The Ark of Transfiguration Church and Masig Community as a person involved is a close relative and therefore a related party under s150EP. Cr Hilda Mosby declared an interest under S150EL.

Cr Hilda Mosby advised she would leave and stay away from the place where the meeting is being held while this matter is discussed and voted on.

Mayor Mosby declared a Prescribed Conflict of Interest in Council Meeting Agenda Item 10 – CORPORATE – Community Grants Program Allocation – November 2021 from The Ark of Transfiguration Church as a person involved is a close relative and therefore a related party under s150EP. Mayor Mosby declared an interest under s150EL.

Mayor Mosby advised he would leave and stay away from the place where the meeting is being held while this matter is discussed and voted on.

4. 12:05pm – 12:07pm Confirmation of Previous Council Ordinary Meeting Minutes

- 19th October 2021 – Day 1 Ordinary Meeting

RESOLUTION

Moved: Cr Kabay Tamu; Second: Cr Laurie Nona

That Council resolves to accept the minutes of the Ordinary Meeting held on 19th October 2021, to be a true and accurate account of that meeting.

MOTION CARRIED

- 20th October 2021 – Day 2 Ordinary Meeting

RESOLUTION

Moved: Cr Laurie Nona; Second: Cr Aven Noah

That Council resolves to accept the minutes of the Ordinary Meeting held on 20th October 2021, be adopted as a true and accurate account of that meeting.

MOTION CARRIED

5. 12:07pm – 12:09pm **Confirmation of Previous Council Special Meeting Minutes**

- 15th October 2021

RESOLUTION

Moved: Cr Francis Pearson; Second: Cr Jimmy Gela

That Council resolves to accept the minutes of the Special Meeting held on 15th October 2021, to be a true and accurate account of that meeting.

MOTION CARRIED

6. 12:09pm – 12:11pm **Confirmation of Previous SARG Meeting Minutes**

- 02nd November 2021

ACTION: Secretariat to amend the title of Julia Maurus to Senior Legal Officer.

RESOLUTION

Moved: Cr Torenzo Elisala; Second: Cr Lama Trinkoon

That Council resolves to accept the minutes of the Strategic Advisory Reference Group Meeting held on 2nd November 2021, to be a true and accurate account of that meeting.

MOTION CARRIED

7. 12:11pm – 12:13pm **Confirmation of Previous Climate Adaptation and Environment Meeting Minutes**

- 03rd November 2021

A discussion was held on recording apologies if Councillors attend the meeting late.

ACTION: Senior Legal Officer to provide clarification on how to minute Councillors who attend meetings late.

RESOLUTION

Moved: Cr Aven Noah; Second: Cr Rocky Stephen

That Council resolves to accept the minutes of the Climate Adaptation and Environment Meeting held on 3rd November 2021, to be a true and accurate account of that meeting.

MOTION CARRIED

LUNCH 12:33pm – 1:36pm

8. **1:36pm – 1:40pm** **Outstanding Council Ordinary Meeting Action Items**

Acting Chief Executive Officer, Mr David Baldwin provided Council with an update on all the outstanding item listed on the Register.

9. **1:40pm – 1:42pm** **Standing Agenda Item – Housing Authority (Verbal)**

Acting Executive Director, Community and Building Services, Mr Dawson Sailor, provided Council with a brief update.

10. **1:42pm – 2:28pm** **CORPORATE – Community Grants Program Allocation – November 2021**

Acting Chief Executive Officer, Mr David Baldwin, spoke to this report on behalf of Corporate Services and provided Council with an update of the following Community Grant Applications.

1:42pm – Cr John Levi re-joined the meeting.

1:44pm – Cr Conwell Tabuai re-joined the meeting.

1:50pm – Cr Keith Fell, Cr Seriako Dorante and Cr Dimas Toby re-joined the meeting.

Tilona Ahmat

RESOLUTION

Moved: Cr Laurie Nona; Second: Cr John Levi

That Council resolves to allocate Community Grants Program funding to the following applicant in accordance with the Community Grants Policy:

- **Tilona Ahmat for the eligible amount of \$500.00 exclusive of GST, as per the submitted application.**

MOTION CARRIED

Poruma Beach Volleyball

RESOLUTION

Moved: Cr Lama Trinkoon; Second: Cr Conwell Tabuai

That Council resolves to allocate Community Grants Program funding to the following applicant in accordance with the Community Grants Policy:

- **Poruma Beach Volleyball for the eligible amount of \$1,950.00 exclusive of GST, as per the submitted application.**

MOTION CARRIED

Poruma Dart/Kayin Urab Touch

RESOLUTION

Moved: Cr Conwell Tabuai; Second: Cr Aven Noah

That Council resolves to allocate Community Grants Program funding to the following applicant in accordance with the Community Grants Policy:

- **Poruma Dart/Kayin Urab Touch for the eligible amount of \$8,060.00 exclusive of GST, as per the submitted application.**

MOTION CARRIED

2:00pm - Cr Jimmy Gela left the meeting due to his prescribed conflict of interest.

**Erubam Le Traditional Land and Sea Owners (Torres Strait Islanders) Corporation
RNTBC**

RESOLUTION

Moved: Cr Francis Pearson; Second: Cr Keith Fell

That Council resolves to allocate Community Grants Program funding to the following applicant in accordance with the Community Grants Policy:

- **Erubam Le Traditional Land and Sea Owners (Torres Strait Islanders) Corporation RNTBC for the eligible amount of \$1,000.00 exclusive of GST, as per the submitted application.**

MOTION CARRIED

2:08pm - Cr Rocky Stephen, Mayor Mosby and Cr Hilda Mosby left the meeting due to their prescribed conflicts of interest.

The Ark of Transfiguration Church

RESOLUTION

Moved: Cr Conwell Tabuai; Second: Cr Keith Fell

That Council resolves to allocate Community Grants Program funding to the following applicant in accordance with the Community Grants Policy:

- **The Ark of Transfiguration Church for the eligible amount of \$10,000.00 exclusive of GST, as per the submitted application.**

MOTION CARRIED

2.13pm - Cr Rocky Stephen, Mayor Mosby and Cr Hilda Mosby re-joined the meeting.

Erub Community

RESOLUTION

Moved: Cr Keith Fell; Second: Cr Kabay Tamu

That Council resolves to allocate Community Grants Program funding to the following applicant in accordance with the Community Grants Policy:

- **Erub Community for the eligible amount of \$5,000.00 exclusive of GST, as per the submitted application.**

MOTION CARRIED

2:17pm - Cr Jimmy Gela re-joined the meeting.

Mer Community

RESOLUTION

Moved: Cr Francis Pearson; Second: Cr Jimmy Gela

That Council resolves to allocate Community Grants Program funding to the following applicant in accordance with the Community Grants Policy:

- **Mer Community for the eligible amount of \$7,960.00 exclusive of GST, as per the submitted application.**

MOTION CARRIED

Mer Community

RESOLUTION

Moved: Cr Keith Fell; Second: Cr Lama Trinkoon

That Council resolves to allocate Community Grants Program funding to the following applicant in accordance with the Community Grants Policy:

- **Mer Community for the eligible amount of \$2,000.00 exclusive of GST, as per the submitted application.**

MOTION CARRIED

2:22pm Cr Hilda Mosby left the meeting due to her prescribed conflict of interest.

Masig Community

RESOLUTION

Moved: Cr Kabay Tamu; Second: Cr Francis Pearson

That Council resolves to allocate Community Grants Program funding to the following applicant in accordance with the Community Grant sPolicy:

- **Masig Community for the eligible amount of \$5,000.00 exclusive of GST, as per the submitted application.**

MOTION CARRIED

2:24pm Cr Hilda Mosby re-joined the meeting.

Mabuygiw Garkaziw Kupay TSI Corporation (MGK TSI Corporation)

Mabuygiw Garkaziw Kupay TSI Corporation (MGK TSI Corporation) applied for the eligible amount of \$2,000.00 exclusive of GST.

MOTION LOST

11. 2:28pm – 2:53pm CORPORATE – Funding Acquisition Report – November 2021

Acting Chief Executive Officer, Mr David Baldwin spoke to this report on behalf of Corporate Services.

RESOLUTION:

Moved: Cr John Levi, Second: Cr Kabay Tamu

Council resolves to note the information in this report and its content.

MOTION CARRIED

12. 2:53pm – 3:00pm CORPORATE – Indigenous Councils Funding Program Allocation for 2021

Acting Chief Executive Officer, Mr David Baldwin spoke to this report on behalf of Corporate Services.

RESOLUTION:

Moved: Cr Rocky Stephen, Second: Cr Torenzo Elisala

That Council resolves to:

- **Execute the agreements from the Department of State Development, Infrastructure, Local Government and Planning for the State Government Financial Aid (SGFA) and Revenue Replacement Program (RRP).**
- **Delegate power to the Chief Executive Officer pursuant to the *Local Government Act 2009* to approve, finalise and execute any and all matters in relation to these funding agreements.**

MOTION CARRIED

13. 3:00pm – 4:20pm CORPORATE – Operational Plan – Q1 Update

Acting Chief Executive Officer, Mr David Baldwin spoke to this report and an in-depth discussion was held.

RESOLUTION:

Moved: Cr Lama Trinkoon; Second: Cr Aven Noah

Council resolves to note the Operational Plan 2021-22 Quarter 1 Update.

MOTION CARRIED

4:20pm - Cr Aven Noah left the meeting.

AFTERNOON TEA 4.20pm – 4.30pm

14. 4:30pm – 4:45pm Deputation 1 | Queensland Indigenous Family Violence Legal Service (QIFVLS)

Chief Executive Officer Wynetta Dewis and Principal Legal Officer Thelma Schwartz gave an overview of QIFVLS services in the Torres Strait.

15. 4:45pm – 4:48pm Closing Remarks and Prayer

Mayor Mosby thanked Councillors and staff for their time and asked Cr Getano Lui to close the meeting in prayer.

MEETING CLOSED 4:48PM

COUNCIL ORDINARY MEETING
Tuesday 16th November 2021

PRESENT

Cr Phillemon Mosby, Mayor
Cr Dimas Toby, Division 1 – Boigu
Cr Torenzo Elisala, Division 2 – Dauan
Cr Conwell Tabuai, Division 3 – Saibai
Cr Keith Fell, Division 4 – Mabuiag
Cr Laurie Nona, Division 5 – Badu
Cr Lama Trinkoon, Division 6 – Kubin (Arkai), Mua Island
Cr John Levi, Division 7 – Wug (St Pauls), Mua Island
Cr Seriako Dorante, Division 8 – Kirriri (Hammond)
Cr Getano Lui Jnr, Division 9 – Iama (Yam)
Cr Kabay Tamu, Division 10 – Warraber (Sue)
Cr Francis Pearson, Division 11 – Poruma (Coconut)
Cr Hilda Mosby, Division 12 – Masig (Yorke)
Cr Rocky Stephen, Division 13 – Ugar (Stephen)
Cr Jimmy Gela, Division 14 – Erub (Darnley)
Cr Aven Noah, Division 15 – Mer (Murray)

Mr David Baldwin, Acting Chief Executive Officer (ACEO)
Ms Hollie Faithfull, Executive Director, Financial Services (EDFS)
Mr Dawson Sailor, Acting Executive Director, Community and Building Services (AEDCBS)
Mr Adeah Kabai, Acting Executive Director, Engineering Services (EDES)
Ms Julia Maurus, Senior Legal Officer (SLO)
Ms Ursula Nai, Senior Executive Assistant (SEA)
Ms May Mosby, Acting Secretariat Officer (ASO)

APOLOGIES:

Cr Aven Noah, Division 15 – Mer (Murray)
Cr Hilda Mosby, Division 12 – Masig (Yorke)
Ms Megan Barrett, Interim Executive Director, Corporate Services (IEDCS)

COUNCIL ORDINARY MEETING
Tuesday 16th November 2021

15. **9:00am – 9:15am** **Welcome and opening prayer**

Mayor Mosby welcomed Councillors and acknowledged and paid respects to:

- Our Heavenly Father
- Traditional Owners on the lands we meet on today in the Cairns Region and across Zenadth Kes
- All Elders past, present and emerging

09:07am - Cr Laurie Nona joined the meeting.

09:10am - Cr Kabay Tamu joined the meeting.

09:14am - Cr Torenzo Elisala joined the meeting.

16. **9: 15– 9:35am** **Apologies**

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr John Levi

That Council accepts the apology of Cr Aven Noah for his absence at this meeting.

MOTION CARRIED

RESOLUTION:

Moved: Cr John Levi; Second: Cr Lama Trinkoon

That Council accepts the apology of Cr Hilda Mosby for her absence at this meeting.

MOTION CARRIED

9:20am – Dawson Sailor left the meeting.

9:25am – Cr Dimas Toby joined the meeting.

9:26am – Hollie Faithfull left the meeting.

9:29am – Hollie Faithfull re-joined the meeting.

17. **9:35am – 10:15am** **Deputation 2 | Black Star Wide Area Network - CAAMA**
Radio Mr Jim Remedio – Chief Executive Officer

Mr Jim Remedio discussed CAAMA Radio and the services they could offer for the Torres Strait Region.

9:36am – Dawson Sailor re-joined the meeting.

09:37am – Cr John Levi left the meeting.

09:39am – Cr John Levi re-joined the meeting.

Cr Jimmy Gela declared a Declarable Conflict of Interest in Council Meeting Agenda Item 18 – Deputation 3 | Namok Family as a person involved is a relative and therefore a related party under s150EP. Cr Jimmy Gela declared an interest under s150EQ(4).

Cr Jimmy Gela advised he would leave and stay away from the place where the meeting is being held while this matter is discussed.

Cr John Levi declared a Declarable Conflict of Interest in Council Meeting Agenda Item 18 – Deputation 3 | Namok Family as a person involved is a relative and therefore a related party under s150EP. Cr John Levi declared an interest under s150EQ(4).

Cr John Levi advised he would leave and stay away from the place where the meeting is being held while this matter is discussed.

10:15am – Cr Jimmy Gela and Cr John Levi left the meeting due to their declarable conflicts of interest.

18. **10:15am – 11:00am** **Deputation 3 | Namok Family**

The Namok Family discussed the Torres Strait Flag, and an in-depth conversation was held.

Senior Legal Officer, Ms Julia Maurus was asked to leave the room as well as the Lawyer for the Namok Family whilst informal discussions were held.

10:17am – Julia Maurus left the meeting.

11:00am – Julia Maurus, Cr Jimmy Gela and Cr John Levi re-joined the meeting.

MORNING TEA 11:00am – 11:30am

11:29am - Cr Hilda Mosby and Cr Rocky Stephen joined the meeting.

19. **11:30am – 12:15pm** **Deputation 3 | TSRA**
Chairperson, Mr Napau Pedro Stephen and Chief
Executive Officer, Ms Leilani Bin Juda

Chairperson, Mr Napau Pedro Stephen and Chief Executive Officer, Ms Leilani Bin Juda had an in-depth discussion with Councillors on matters relating to TSIRC and TSRA.

11:54am - Cr Conwell Tabuai left the meeting.

11:55am – Cr Conwell Tabuai re-joined the meeting.

11:56am - Cr Francis Pearson left the meeting.

11:57am – Cr Francis Pearson re-joined the meeting.

ACTION ITEM: Interim Executive Director, Corporate Services to draft a letter to the State and Federal Governments confirming TSIRC position on the Torres Strait Treaty.

ACTION ITEM: Interim Executive Director, Corporate Services to draft a letter to the Minister on appointments to the CEQ Board and representation of Torres Strait Islanders on the CEQ Board.

Mayor Mosby thanked Chairperson, Mr Napau Pedro Stephen and Chief Executive Officer, Ms Leilani Bin Juda for their time and looked forward to a stronger working relationship next year. Mayor Mosby and Councillors farewelled Ms Leilani Bin Juda in her role as Chief Executive Officer with TSRA and wished her well in her future endeavours.

LUNCH 12:15pm – 1:05pm

Mayor Mosby advised the Councillors that he has another appointment and Deputy Mayor Cr Getano Lui will take over as Chair.

1:06pm – Mayor Mosby left the meeting.

20. **1:10pm – 1:40pm** **CORPORATE – Standing Committee Terms of Reference**

Acting Chief Executive Officer, David Baldwin spoke to this report on behalf of Corporate Services.

1:26pm – Cr John Levi and Cr Laurie Nona left the meeting.
1:28pm – Cr John Levi re-joined the meeting.
1:26pm – Dawson Sailor left the meeting.
1:34pm – Dawson Sailor re-joined the meeting.

RESOLUTION:

Moved: Cr Conwell Tabuai, Second: Cr Jimmy Gela

That Council resolves to amend and endorse the Terms of Reference for Council's:

- **Strategic Advisory Reference Group Committee**
- **Climate Change Adaptation and Environment Committee**
- **Culture, Arts, Land and Heritage Committee**
- **Economic Growth Committee**
- **Governance and Leadership Committee**
- **Housing and Safe and Healthy Communities Committee and**
- **Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to make any further minor administrative amendments to the Terms of Reference as they arise.**

MOTION CARRIED

21. **1.40pm – 2:24pm** **CORPORATE – Deputation Priorities – Late Report**

Acting Chief Executive Officer spoke to this report on behalf of Corporate Services and an in-depth conversation was held.

1:47pm – Cr Lauri Nona re-joined the meeting.
1:53pm – Cr Seriako Dorante and Cr Lama Trinkoon left the meeting.
1:56pm – Cr Seriako Dorante re-joined the meeting.
1:58pm – Cr Rocky Stephen left the meeting.
2:08pm – Cr Rocky Stephen re-joined the meeting.
2:12pm – Cr Dimas Toby left the meeting.
2:14pm – Cr Dimas Toby re-joined the meeting.
2:20pm – Mayor Mosby re-joined the meeting.

RESOLUTION:

Moved: Cr Kabay Tamu, Second: Cr Laurie Nona

That Council resolves to:

- **Endorse the identified Top 10 Priorities for Deputations 2021 – 2022;**
- **Endorse the order of priority for the Top 10 Deputations 2021– 2021 topics;**
- **Endorse the concept layout of the Deputations 2021 – 2022 document, noting that the content remains the subject of approval; and**
- **Delegate authority to the Mayor to approve the finalising of the deputation material content.**

MOTION CARRIED

22. **2:24pm – 2:34pm** **LEGAL – Recording of Council Meetings**

Senior Legal Officer, Ms Julia Maurus spoke to this report.

2:26pm – Hollie Faithfull left the meeting.
2:30pm – Hollie Faithfull re-joined the meeting.

RESOLUTION:

Moved: Cr Laurie Nona, Second: Cr Keith Fell

That Council resolves to:

1. That Council resolves that open meetings of Council be recorded only for the purpose of ensuring accuracy of the minutes.
2. That Council resolves that recordings of open meetings of Council are not to be made publicly available.
3. That Council resolves that subject to compliance with all legislative requirements that the recordings of open meetings of Council are not to be disposed of until the relevant Council minutes have been confirmed at a meeting of Council.

MOTION CARRIED

23.

2:34pm – 2:42pm

**ENGINEERING – Award Tender No. TSIRC2020-324 –
ICCIP Project #71 – Ugar Desalination Plant**

Acting Executive Director, Engineering Services, Mr Adeah Kabai spoke to this report.

RESOLUTION:

Moved: Cr Torenzo Elisala, Second: Cr Francis Pearson

That Council resolves to:

- Award the Tender No. TSIRC 2020-324 – ICCIP Project #71 – Ugar Desalination Plant to Northern Water Pty Ltd for an amount of up to \$945,647.40 excl. GST;
- 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 project including without limitation any options and/or variations as per Council's Procurement and Ethical Sourcing Policy.

MOTION CARRIED

24.

2.42pm – 2:42pm

COUNCIL MOVES INTO CLOSED BUSINESS

RESOLUTION:

Moved: Cr Torenzo Elisala; Second: Cr Keith Fell

That in accordance with section 254J of the *Local Government Regulation 2012* (Qld) it is resolved for the meeting to go into closed session to discuss matters of the following nature:

(g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

- BUILDING SERVICES – BSU Update
- FINANCE – Monthly Financial Update

MOTION CARRIED

25.

3:15pm – 3:15pm

**COUNCIL MOVES OUT OF CLOSED BUSINESS AND
RESUME IN OPEN BUSINESS**

RESOLUTION:

Moved: Cr Kabay Tamu; Second: Cr Jimmy Gela

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

MOTION CARRIED

AFTERNOON TEA 3:15pm – 3.45pm

26. **3:45pm – 3:50pm** **BUILDING – CB – BSU Monthly Update**
- RESOLUTION:**
Moved: Cr Laurie Nona; Second: Cr Torenzo Elisala
That Council resolves to note the information on this report.
- MOTION CARRIED**
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27. **3:50pm – 4:00pm** **FINANCE – Financial Dashboard Report – October 2021**
- RESOLUTION:**
Moved: Cr Keith Fell; Second: Cr John Levi
That Council receive and endorse the monthly financial statements attached to the officer's report for the 2021-22 year to date, for the period ended 31 October 2021, as required under section 204 Local Government Regulation 2012.
- MOTION CARRIED**
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- 4:00pm - Cr Lama Trinkoon left the meeting.
-
28. **4:00pm – 4:10pm** **FINANCE – 2020/2021 Financial Statements**
- Executive Director Financial Services, Ms Hollie Faithfull spoke to this report.
- 4:02pm – Cr Lama Trinkoon re-joined the meeting.
- RESOLUTION:**
Moved: Cr Francis Pearson; Second: Cr Jimmy Gela
That Financial Statements for the year ended 30 June 2021 be received and adopted.
- MOTION CARRIED**
-
29. **4:10pm – 4:15pm** **FINANCE – Auditor-General's Observation Report on the audit of the 2020/2021 Torres Strait Island Regional Council Financial Statement**
- Executive Director Financial Services, Ms Hollie Faithfull spoke to this report.
- RESOLUTION:**
Moved: Cr Torenzo Elisala; Second: Cr Conwell Tabuai
That Council note the Auditor-General's Observation Report on the audit of the 2020/2021 Torres Strait Island Regional Council Financial Statements.
- MOTION CARRIED**
-
30. **4:15pm – 4:20pm** **Business Arising from Information Reports**
- Mayor Mosby gave opportunity for Councillors to discuss the information reports.
- 4:18pm – Cr Conwell Tabuai left the meeting.
 4:20pm – Cr Conwell Tabuai re-joined the meeting.
-
31. **4.20pm – 4.23pm** **Next Council Meeting dates – 7th and 8th December 2021 Arkai (Kubin), Mua Island**
- Mayor Mosby advised of the upcoming meeting dates and advised that staff are currently finalising accommodation. Senior Executive Assistant requested Councillors to confirm whether they require accommodation or will be staying privately with family.
- Cr Lama Trinkoon advised there would be a Welcome and Farewell Dinner and catering

would be provided for morning tea, lunch and afternoon each day of the meeting.

32. **4:23pm – 5:00pm** **Strategic Matters**

Cr Torenzo Elisala raised a question on the financial component of the Housing Allocation.

ACTION: Executive Director Community and Building Services to have offline conversation with Cr Elisala on the Housing Allocation Capital Works 2021-2021.

Cr Torenzo Elisala and Cr Laurie Nona discussed the new Bill through Federal Parliament on producing identification to vote and the issues that may arise with constituents in the Torres Strait if they are unable to provide identification.

ACTION: Legal Services to discuss with Mayor Mosby the new Bill on producing identification to vote.

Cr Keith Fell raised concerns around COVID when the border opens, and in-depth discussions were held on this topic.

Cr Keith Fell requested the commencement date of the new Chief Executive Officer. Mayor Mosby advised as we are not in closed business this is not a topic that can be discussed.

Cr Keith Fell raised the issue of safety of lighting in homes.

Cr Getano Lui raised the possibility of each individual Councillor from their division holding community meetings/information sessions in Cairns next year with residents of that particular island living on the mainland on community issues. A number of Councillors have advised that they currently do this outside of hours or on the weekend while in Cairns.

4:42pm – Cr Torenzo Elisala left the meeting.

4:44pm – Cr Torenzo Elisala re-joined the meeting.

4:45pm – Cr Dimas Toby left the meeting.

4:46pm – Cr Dimas Toby re-joined the meeting.

4:58pm – Cr Getano Lui left the meeting.

5:00pm – Cr Getano Lui re-joined the meeting.

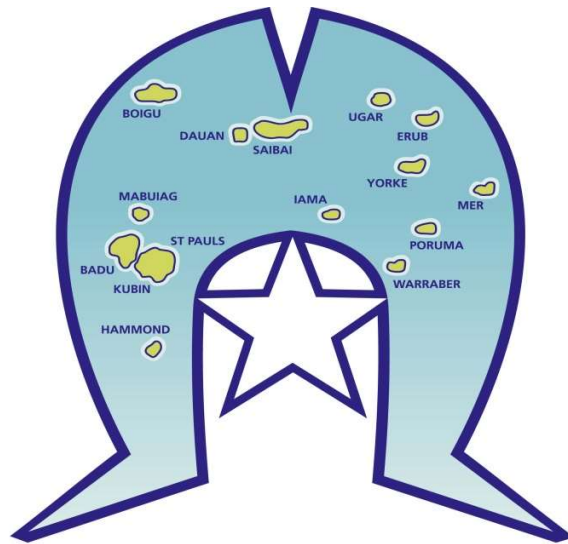
33. **5:00pm-5:09pm** **Closing Remarks and Prayer**

Mayor Mosby thanked Councillors and staff for a productive two days of meetings and for their attendance and contributions. Mayor Mosby asked Cr John Levi to close the meeting in prayer.

MEETING CLOSED 5:09PM

.....
Mr David Baldwin
Acting Chief Executive Officer
Torres Strait Island Regional Council
7th December 2021

.....
Cr Phillemon Mosby
Mayor
Torres Strait Island Regional Council
7th December 2021



Torres Strait Island
REGIONAL COUNCIL

Draft Minutes

HOUSING AND SAFE AND HEALTHY COMMUNITIES
COMMITTEE

Date: Thursday 4th November 2021

Time: 10:00am to 12:00pm

Venue: Video Conference

PRESENT

Cr Keith Fell – Chair

Cr John Levi – Committee Member

Dawson Sailor – Acting Executive Director, Community & Building Services (aED,C&BS)

May Mosby – Recruitment Officer

Naila Nomoa – Travel Officer

Apology

Cr Francis Pearson – Committee Member

1. Welcome (Chair)

Cr Keith Fell welcomed everyone to the meeting and thanked everyone for their time.

2. Opening Prayer

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

3. Apologies

- Cr Francis Pearson – Committee Member

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

No Declaration made.

Cr Keith Fell encouraged committee members to declare at any time during the meeting.

5. Confirmation of previous minutes – 24th August 2021 (Ratified at September OM)

RESOLUTION:

Moved: Cr John Levi *Second:* Cr Keith Fell

That the minutes of the meeting held on the 24th August 2021 is a true and accurate account.

ALL IN FAVOUR

6. Action Items List

Cr Fell invited Acting Executive Director Community & Building Services to go through action items.

- Information report on HF Radios from Engineering.
- Divisional Managers carryout HF Radio testing on ground.

Action Item: Information report from engineering on HF Radio on each division. Acting ED,C&BS to refer to October OM Engineering Info Report and work with Divisional Admin with view to increase monthly checks and address concerns with Eunice (Disaster Coordinator) considering approaching festive season.

Action Item: Acting ED, C&BS to work with Operations to circulate a list of emergency contacts i.e. State Emergency; DEO and DM etc to households for power outage and emergencies in each division

Action Item: update on the Audit of lighting Footpaths; blind spots and pedestrian safety to be raised in November Ordinary Meeting. Acting ED, C&BS to liaise with Engineering dept

Action Item: Acting ED, C&BS to distribute list of Caravans to Committee members. Considerations by Committee to discuss potentially upgrade and sell the assets if funds permit. Matter to go to future Ordinary Meeting once committee discusses approach further.

7. Housing within Torres Strait Region – Verbal

Acting Executive Director Community & Building Services gave a verbal update.

- Inventory in relation to the region's housing stock
- Katter leases

8. Katter Leases – Verbal

Cr Keith Fell gave a verbal update.

Most properties have been transferred across and renovations are being carried out. Committee questioned status of upgrades for identified Home Ownership properties.

Action: Acting ED, C&BS to compile information and notify Committee (include in Housing stock information).

9. COVID 19 – Verbal

Cr Keith Fell gave a verbal update.

- Expressed concerns when the borders open and people moving freely.
- Contractors and essential services travelling into divisions.
- Are facilities identified on ground for isolation in divisions.
- TSIRC Employees being vaccinated. Is it compulsory?

Cr John Levi

- Current statistics suggests Torres Strait is 50% vaccinated
- Local Disaster Management group have not provided any update/media releases
- Repeat concerns of Cr Fell if compulsory that TSIRC employees are vaccinated for work purposes

10. Sports and Rec Activities – Verbal

Cr Keith Fell gave a verbal update.

Cr John Levi suggested a one size fits all model for healthy lifestyle officers moving forward. Have a working plan to run programs throughout the year. HLOs to partner with stakeholders so to continue delivery of program due to limited work hours or if on leave.

Cr Keith Fell

- Holiday programs for children to run throughout the year.
- Follow through Manager of Health & Wellbeing, Ella Kris for feedback to see what's working and what's not.
- Expressed concerns of no activities due to vacant HLO position ie Mabuiag.
- Keen to provide support and enhance program delivery

Action Item: Acting C&BS to provide list of Healthy Lifestyle Officers in the divisions.

11. TSIRC Top 5 Priorities – Verbal

Cr Keith Fell advised that top 5 priorities for Councillors will be discussed in Ordinary meeting.

12. Lighting within Torres Strait Region – Verbal

Cr Keith Fell spoke to this topic. Item was covered in the Action Items discussions.

13. Asbestos – Verbal

Cr Keith Fell spoke to agenda topic and advised that this matter is ongoing.

14. Seawalls Project Update – Verbal

Cr Keith Fell spoke to agenda topic and advised that this matter is ongoing and will be discussed at Ordinary Meeting.

15. Domestic Violence within Torres Strait Region – Verbal

Cr Keith Fell spoke to this report to bring up with Queensland Health

16. Animal Management Update – Verbal

Acting Executive Director, Community & Building Services

- Manager Environment and Health put together a road map approach on the Animal Management plan
- Acting Chief Operating Officer to send plan through on enforcement before next Council Meeting.

Action: Acting ED, C&BS to circulate draft plan to Committee members.

17. Footpath Program within Torres Strait Region – Verbal

Cr John Levi spoke to this report.

Safety concerns for children riding their bikes to and from school. Lot of heavy vehicles running through the community. No footpaths for them to ride their bicycles. Needs to be addressed.

Cr Keith Fell stated other communities are in the same predicament.

Bring up at next week's Council Meeting.

18. General/ Other Business (on notice)

Cr. Keith Fell

- Laydown storage on Moa – Committee unsure of this topic mentioned in last Committee meeting. Topic to be raised at Ordinary Meeting

Could be for Telstra to store their equipment

Cr John Levi

- Community Hall – hire fees
Should fees be waived
- Expressed concerns that Policy/Procedural change are not communicated to on-ground teams
- Schedule for Committee meeting to be one week prior to Council Ordinary meeting in 2022
- Raised possibility of Reports being presented at Committee prior to Ordinary Meeting, when possible.
- Expressed the need for Councillors; Divisional Managers and Divisional Engineering Officers to have mutual understanding of Separation of Powers
- Updated the Committee on Housing crisis discussed at recent LGAQ meeting. Possibility of TSIRC undertaking an independent review of housing services; what is/what isn't working – a similar process as Mornington Island council. Matter to be raised at Council Ordinary Meeting
- Possibility of Divisional Managers to be involved in May / November Council workshop or Council meeting so they are aware of Councillors direction.

- Year 12 graduates returning back to Divisions with no aspiration of undertaking further studies etc, in turn create/increase social problems due to lack of activity or opportunities in the Divisions.

19. Next meeting date

To be confirmed

20. Closing Prayer

Cr Keith Fell thanked everyone for their time and invited Acting Executive Director, Community & Building Services to close with a word of prayer.

STATEGIC AND OPERATIONAL ACTIONS FROM ORDINARY MEETING AND EXECUTIVE - PLUS OPERATIONAL ACTIONS ONLY FROM SARG TO BE INPUT ONTO THIS DOCUMENT #85075											
Date	Month of Meeting	Year	Type of Meeting	Community	Agenda Report	Action	Lead Officer	Advisory Officer	P l a n s i n g o i n g	Lead Officer Comments	ETA
	15	November	2021	Council Ordinary	Cairns	Confirmation of Previous SARG Meeting Minutes	Secretariat to amend the title of Julia Maurus to Senior Legal Officer.	Secretariat		Minutes amended and uploaded to website	Completed
	15	November	2021	Council Ordinary	Cairns	Confirmation of Previous Climate Change Adaptation and Environment Meeting Minutes	Senior Legal Officer to provide clarification on how to minute Councillors who attend meetings late.	Senior Legal Officer		Currently in progress	ongoing
	16	November	2021	Council Ordinary	Cairns	Deputation 3 TSRA	Interim Executive Director, Corporate Services to draft a letter to the State and Federal Governments confirming TSIRC position on the Torres Strait Treaty.	Interim Executive Director, Corporate Services		Currently in progress	
	16	November	2021	Council Ordinary	Cairns	Deputation 3 TSRA	Interim Executive Director, Corporate Services to draft a letter to the Minister on appointments to the CEQ Board and representation of Torres Strait Islanders on the CEQ Board.	Interim Executive Director, Corporate Services		Currently in progress	
	16	November	2021	Council Ordinary	Cairns	Strategic Matters	Executive Director Community and Building Services to have offline conversation with Cr Elisala on the Housing Allocation Capital Works 2021-2021	Executive Director Community and Building Services		Currently in progress	ongoing
	16	November	2021	Council Ordinary	Cairns	Strategic Matters	Legal Services to discuss with Mayor Mosby the new Bill on producing identification to vote	Legal Services		Currently in progress	ongoing



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	December 2021
DATE:	7-8 December 2021
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Community Grants Program Allocation – December 2021
AUTHOR:	Kim Kelly, Team Leader – Service Delivery

Recommendation:

Council resolves to allocate Community Grants Program funding to the following applicants in accordance with the Community Grants Policy:

Community Grant Applications:

- Helga Nona for the eligible amount of \$2,000.00 exclusive of GST, as per the submitted application.
- Mangaroo line Gammas Touch Football Team for the eligible amount of \$3,000.00 exclusive of GST, as per the submitted application
- Waru Kazil for the eligible amount of \$2,500.00 exclusive of GST, as per the submitted application
- St Paul's Anglican Church for the eligible amount of \$1,848.00 exclusive of GST, as per the submitted application
- Kathleen Pabai for the eligible amount of \$2,500.00 exclusive of GST, as per the submitted application

Executive Summary:

In line with Council's Community Grants Policy, endorsed by Council at the July 2020 Ordinary Meeting, and further advice provided by MacDonnells Law, Community Grant applications must be decided upon, on one occasion at any time during the month.

Background:

For the month of November 2021, five Community Grant applications meeting the eligibility requirements were received.

An assessment based on eligibility criteria was conducted by Council officers in accordance with the Community Grant Policy. An acknowledgement of each application being received and assessed as compliant was issued to each applicant.

The five applications which meet eligibility requirements are:

Applicant	Project	Location
Helga Nona	Contribution towards costs associated with attending the 2022 Kuki Carnival	Warraber
Mangaroo line Gammas Touch Football Team	Contribution towards costs associated with attending the 2022 Kuki Carnival	Iama
Waru Kazil	Contribution towards costs associated with participating in the 2022 Kuki Carnival 14-16/11/2021	Badu
St Paul's Anglican Church	Contribution towards costs associated with celebrating St Paul's Anglican Church Day 25/01/2022	St Pauls
Kathleen Pabai	Contribution towards costs associated with Boigu's Carols by Candlelight Event 22-23/12/2021	Boigu

Links to Strategic Plans:

These projects strategically align to specific delivery objectives under the People and Prosperity pillar of Council's Corporate Plan.

Finance & Risk:

No financial risk identified as the allocation is within existing Community Grants budget.

Sustainability:

N/A

Statutory Requirements:

Local Government Act 2009

Conclusion:

That Council resolves to provide Community Grant support to the eligible applicants in accordance with the Community Grants policy.

Endorsed:

Mette Nordling
Acting Head of Corporate Affairs



Recommended:

Megan Barrett
Interim Executive Director, Corporate Services



Approved:

David Baldwin
Acting Chief Executive Officer

Attachment: Fund balances

Attachment: Fund Balances (after payment of applications endorsed at November 2021 OM)

Division	Councillor	Budget	Less approved funding	Closing Balance
Boigu	Cr. Toby	\$25,000.00	\$14,199.80	\$10,800.20
Hammond	Cr. Dorante	\$25,000.00	\$7,000.00	\$18,000.00
St Pauls	Cr. Levi	\$25,000.00	\$13,500.00	\$11,500.00
Ugar	Cr. Stephen	\$25,000.00	\$10,000.00	\$15,000.00
Badu	Cr. Nona	\$25,000.00	\$14,580.00	\$10,420.00
Dauan	Cr. Elisala	\$25,000.00	\$0.00	\$25,000.00
Erub	Cr. Gela	\$25,000.00	\$7,000.00	\$18,000.00
Iama	Cr. Lui	\$25,000.00	\$12,000.00	\$13,000.00
Kubin	Cr. Trinkoon	\$25,000.00	\$0.00	\$25,000.00
Mabuiag	Cr. Fell	\$25,000.00	\$0.00	\$25,000.00
Mer	Cr. Noah	\$25,000.00	\$13,960.00	\$11,040.00
Poruma	Cr. Pearson	\$25,000.00	\$10,010.00	\$14,990.00
Saibai	Cr. Tabuai	\$25,000.00	\$9,299.00	\$15,701.00
Warraber	Cr. Tamu	\$25,000.00	\$19,000.00	\$6,000.00
Yorke	Cr. Mosby	\$25,000.00	\$15,092.93	\$9,907.07
Mayor	Cr. Mosby	\$30,000.00	\$0.00	\$30,000.00
Regional Grant		\$50,000.00	\$4,904.00	\$45,096.00
Community Gifts	CEO	\$37,000.00	\$1,000.00	\$36,000.00
		\$492,000.00	\$151,545.73	\$340,454.27



Community Grant Program Assessment Form

Date:	08/11/2021	Application No:	CG2022-041
Applicant:	Helga Nona	Amount:	\$2000.00
Project/Activity:	2022 Kuki Carnival		

The attached application was assessed against the following criteria

• The benefit to the community;	✓
• The impact, if any, on Council's operations in the provision of plant equipment and materials for in-kind donations;	✓
• The availability of funds within the Council's annual budget;	✓
• The entities own source funding;	✓
• The timing and amount of financial assistance previously provided to the applicant;	✓
• The real or in-kind value of the group's/organisation's contribution to the project/event;	✓
• The status of the organisation incorporated under State or Commonwealth legislation; and	✓
• The GST status of the applicant organisation;	✓
• The beneficiaries are current Torres Strait Island residents	✓

Divisional Councillor support obtained?	Yes <input type="checkbox"/> No <input type="checkbox"/>	For the amount of:	\$
---	--	--------------------	----

Council Officer:	K. Kelly
Signature:	[Signature]
Date:	30.11.21

Office Use Only

Council Support obtained?	Yes <input type="checkbox"/> No <input type="checkbox"/>	For the amount of:	\$
Resource Code:		OP Task Code:	

Purchase Orders:

Supplier	Amount	Date raised	Emailed
			Y <input type="checkbox"/> N <input type="checkbox"/>
			Y <input type="checkbox"/> N <input type="checkbox"/>
			Y <input type="checkbox"/> N <input type="checkbox"/>
			Y <input type="checkbox"/> N <input type="checkbox"/>





CG2022-041

Community Grants Application Form

Applicant Details

Applicant Type

☒ Individual☐ Community Entity

Applicant Details

Individual or

Community Entity

Name (eg, sports team,
church group):

Helsa Wona

Contact Details

Street Address:

30 Aikuru St Warraber IS

Phone No.:

043 0497233839

Email Address:

hwna10@gmail.com

Community

Entity Contact

Name:

Role of Contact:

Manager

Eligibility - Please tick Yes or No to the following questions:

Is the individual / entity based within the boundaries of Torres Strait Island
Regional Council?Yes ☒ No ☐

Does the individual / entity carry on activities for a public purpose?

Yes ☒ No ☐

Is the individual / entity's primary objective directed at not making a profit?

Yes ☐ No ☒Has the individual / entity breached a rental agreement, a childcare
agreement or an agreed current payment plan with Council?Yes ☐ No ☒

Is the entity a registered political party?

Yes ☐ No ☒Has the individual / entity obtained any permits required to undertake the
project/activity. (e.g. Prescribed Activity Permit for the operation of temporary
entertainment or holding of a public place activity) (attach relevant permits)?Yes ☐ No ☐

N/A

Has the individual / entity provided an acquittal declaration for all previous
grants received?Yes ☐ No ☐

N/A

Project/Activity Details

Name of project/activity:

(Provide copies of event flyers)

2022 KUKI carnival

Location of project/activity:

Badu Island.



Start Date: 14.01.22

End Date: 16.01.22

(Must be after Council's next Ordinary Meeting)

Is a Prescribed Activity Permit required for this project?

☐ Yes – please include copy of approved permit / permit application

☒ No

Grant sought from Council

☒ Financial Assistance: \$ 2,000-00 (please provide quotes)

Being for:

☐ In-Kind Assistance: \$ (please provide dates)

Being for:

☐ Prescribed Activity Permit fees: \$ (please provide dates)

Being for:

Please provide evidence of your fundraising efforts:

Food sale

Why is this project needed, and what benefits will it bring to the community?

To upskill a young team in sports and also team bonding (attach letters of support from elders etc)

Payment - Purchase Order Details

All payments will be made directly to relevant supplier/s:

Options for payment are:

☐ Purchase Order

☒ Auspice Entity

Purchase Order Details

Supplier

Amount

Auspice Entity Details (letter of support must be attached)

Street Address: 64 James Street

Phone No.: 04 57025864

Email Address: clara.tamu@yahoo.com.au

Contact Name: Clara.Tamu

ABN: _____

Agreement and Signature

I, the undersigned, certify that:

- To the best of my knowledge, the information given in this document is true and accurate.
- I have read and understood the Grants and Donations Procedure provided with this application and I agree to abide by the conditions of the grant as set out in the procedure.
- I understand that if Torres Strait Island Regional Council approves the grant, I will be bound by the contents of this application, to carry out the project as described in this application.

Name (printed): Helga Wong

Signature: 

Date: 1.11.21

Position in Community/Auspice Entity (if applicable):

INFORMATION PRIVACY STATEMENT

Your Personal Information is protected by law and can only be released to someone else where authorised by law or where you give your permission. Council is collecting your personal information contained in this document for the purpose of assessment, administration and evaluation. This collection of Personal Information is authorised by law under the Information Privacy Act 2009. It is Council's usual practice that the Personal Information contained in this document is disclosed to Council's external auditors and published on Council's website and in Council's Annual Financial Statements as part of compliance with the Local Government Regulation 2012. By signing this declaration you consent to such disclosure and publication.

2022 KUKI BADU ISLAND SPORTS CARNIVAL



TOUCH

MEN DIVISION

16 Teams - Winner
\$8,000 Runners up
\$1,000

15 Teams or less - subject to number of teams and
sponsorships

WOMEN DIVISION

12 Teams - Winner \$4,000 Runners up - \$1,000
11 Teams or less - subject to number of teams and
sponsorships

Nomination Fee - \$500

Exhibition match/junior games

Darts - Mixed Team

Nomination Fee - \$300

12 Teams

FLAN RUN - Colour

All Ages - Free

Relay - Teams

\$200 cash prize

Close date: Thursday 5th January 2022



Date: 14-16 January 2022
Venue: Badu Sports Complex

Contact:

Jermaine - 0412910244

Johnny Baira - 0457087331

Eddie Nona - 0456820799



Haley Pearson

Isaiah Pearson

Thauzu Pearson

Samuel Mauga

Dabus Mauga

Peter Mauga

Tekule Mene

Harry Mene

Nelson Bob

Tyler David

Gyson Larry

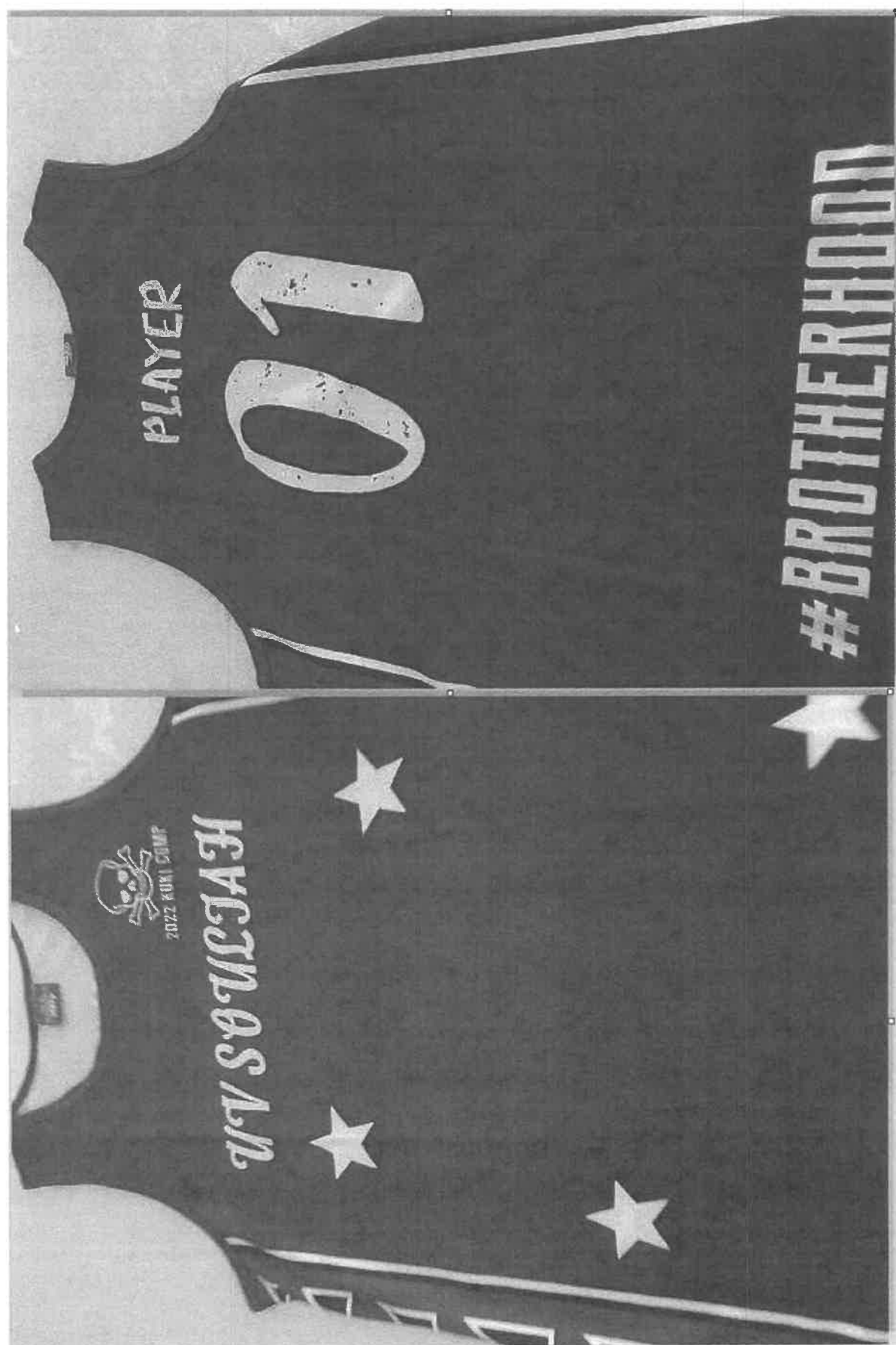
Josh Sailor

Isaiah Kepa

Lodrick Mauga

Ian Larry

Eddie Enosa

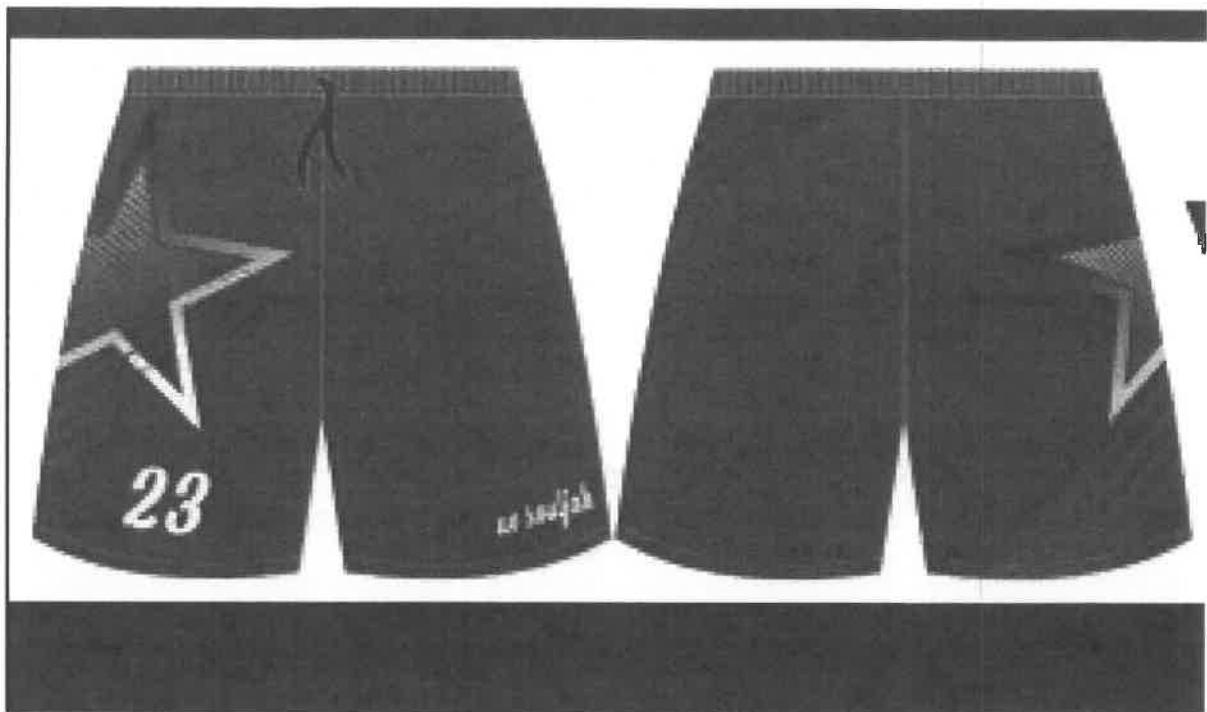


HEATMAP

PLAYER

01

#BROTHERHOOD



Helga Nona

From: Cape Air Transport - Quoting <quotes@capeairtransport.com>
Sent: Thursday, 28 October 2021 3:51 PM
To: Helga Nona
Cc: hnona10@gmail.com
Subject: External Email - Quote No. 023906-CASH ACCOUNT-13-01-22
Attachments: CQ023906-CASH ACCOUNT-130122.pdf; CQ023907-CASH ACCOUNT-170122.pdf

**** CAUTION ** - THIS EMAIL IS FROM AN EXTERNAL SOURCE**

DO NOT reply, click on links (including email addresses) or open attachments unless you have verified the sender and know the content is safe.

If in any doubt, delete the message or call IT Services for assistance.

Good Afternoon Helga,

Please find attached updated quotes for your charter enquiry:

13/01/22 – CQ23906 – 3x Twin engines = \$5064.00

17/01/22 – CQ23907 - 3x Twin engines = \$5064.00

Total Cost Return - \$10,128.00

Please do not hesitate to contact us if you have any questions in regards to the attached or if you wish to Confirm the Charters.

Kind Regards,

Meagan
Cape Air Transport
4090 3661
<https://capeairtransport.com>



Cape Air Transport

Favourite Airline of the Torres Strait



This email has been checked for viruses by AVG antivirus software.
www.avg.com



Cape Air Transport

Affordable & Reliable Single & Twin Engine Aircraft Charter

Your Safety is our Priority

Email: info@capeairtransport.com

Bookings: Phone: 0740 903 661, Accounts: 07 40172 308

Operations Mobile: 0407595004

QUOTE

Customer Name:	CASH ACCOUNT	Contact	HELGA NONA
			0497 288 839 / 4083
Quote No:	CQ023906	Contact Phone:	2559
Quote Date:	20/10/2021	Flight Cost:	1688.00
Aircraft:	Twin Engine	Passenger Tax:	.00
Flight Date:	13/01/2022	Total Cost:	1688.00 incl GST
Your Reference:	23906		

If you are Pre-Paying your flight please advise Operations, and use the quote number as your reference number

BANK ACCOUNT DETAILS: A/C NAME: MCGILVRAY AVIATION BSB: 633-000 A/C NO: 157483892

Passengers are to be at the airport ready for flight 30 minutes before departure. If passengers are not at the airport at the time of departure it is at the discretion of Cape Air Transport to travel without that passengers.

Schedule and Maximum Payloads.

WARRABER - BADU IS.	Departing	10:00	Arriving	10:22
Maximum Payload This Sector	584kg			

Passengers	Weight	Baggage
5 PAX	100Kg	10Kg

NOTES

1/2 Cost for 3 x Twin Engines - \$5064.00 to accommodate 16 passengers

Terms & Conditions

- Passengers are to be at the airport ready for flight 30 minutes before departure.
- If passengers are not at the airport at the time of departure it is at the discretion of Cape Air Transport to travel without that passengers.
- A quote is NOT a confirmed booking and is valid for 7 days. Should you wish to receive a quote and book your charter at the same time please advise the staff.
- Quotes include passenger tax for the number of passengers advised, arriving and departing Horn. At any time should the numbers change the passenger tax will be altered accordingly. Passenger tax is paid for all passengers 3 years of age and over. Passenger tax is a tax imposed by Torres Shire Council.
- All private bookings to be paid for by cash, credit card or bank transfer must pay a 10% deposit at the time of booking, to confirm the charter. This is a non-refundable deposit. Full payment must be made 24 hours prior to departure. Should payment not be received 24 hours in advance your booking will automatically be cancelled. When making payment directly into the bank please ensure that you use your quote number as the reference.
- All payments made by card will incur a 1.5% fee
- Cape Air Transport is a Charter Business. The person booking the flight is responsible for the full payment of the flight.



Cape Air Transport

Affordable & Reliable Single & Twin Engine Aircraft Charter
Your Safety is our Priority

Email: info@capeairtransport.com

Bookings: Phone: 0740 903 661, Accounts: 07 40172 308

Operations Mobile: 0407595004

QUOTE

Customer Name:	CASH ACCOUNT	Contact	HELGA NONA
			0497 288 839 / 4083
Quote No:	CQ023907	Contact Phone:	2559
Quote Date:	20/10/2021	Flight Cost:	1688.00
Aircraft:	Twin Engine	Passenger Tax:	.00
Flight Date:	17/01/2022	Total Cost:	1688.00 incl GST
Your Reference:	23906		

If you are Pre-Paying your flight please advise Operations, and use the quote number as your reference number

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Schedule and Maximum Payloads.

BADU IS. - WARRABER	Departing	10:00	Arriving	10:22
Maximum Payload This Sector	573kg			

Passengers	Weight	Baggage
5 PAX	100Kg	10Kg

NOTES

2/2Cost for 3 x Twin Engines - \$5064.00 to accommodate 16 passengers

Terms & Conditions

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- Quotes include passenger tax for the number of passengers advised, arriving and departing Horn. At any time should the numbers change the passenger tax will be altered accordingly. Passenger tax is paid for all passengers 3 years of age and over. Passenger tax is a tax imposed by Torres Shire Council.
- All private bookings to be paid for by cash, credit card or bank transfer must pay a 10% deposit at the time of booking, to confirm the charter. This is a non-refundable deposit. Full payment must be made 24 hours prior to departure. Should payment not be received 24 hours in advance your booking will automatically be cancelled. When making payment directly into the bank please ensure that you use your quote number as the reference.
- All payments made by card will incur a 1.5% fee
- Cape Air Transport is a Charter Business. The person booking the flight is responsible for the full payment of the flight.

Helga Nona

From: Skytrans Info <info@skytrans.com.au>
Sent: Thursday, 28 October 2021 2:41 PM
To: Helga Nona
Subject: External Email - Re: Return Group Booking - LFS

**** CAUTION ** - THIS EMAIL IS FROM AN EXTERNAL SOURCE**

DO NOT reply, click on links (including email addresses) or open attachments unless you have verified the sender and know the content is safe.

If in any doubt, delete the message or call IT Services for assistance.

Hi Helga,

Good Day! Thanks for your email. Hope all is well.

Here's our availability. See details below. We can book 16 passengers travelling on 13th of January 2022 from Warraber to Badu but half of them will have a different time of departure.

13 JAN 2022 12:00 WARRABER - 16:40 BADU (8 seats available)
13 JAN 2022 14:50 WARRABER - 16:40 BADU (8 seats available)

Here's our availability for the RETURN DATE:

18 JAN 2022 09:30 BADU - 14:40 WARRABER (8 seats available)
18 JAN 2022 09:30 BADU - 11:50 WARRABER (8 seats available)

FLIGHT COSTS PER PASSENGER: \$198.00 local fare
TOTAL COSTS FOR 16 PASSENGERS: \$3,168

Let me know if I can secure those seats now. And please send to us their scheme id's for verification.

Kind regards,
Jome Brown
SkyTrans Reservations
Phone: 1300 759 872
Fax: 07 4035 9057
PO box 140, Stratford 4870
Email: info@skytrans.com.au



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Jonathan Huong
Co-Owner

SKYTRANS
Cairns - Cape York - Torres Strait

From: Helga Nona <Helga.Nona@tsirc.qld.gov.au>
Sent: Thursday, October 28, 2021 2:20 PM

QUOTE

Meleta Hosea

A.B.N:83968171695
DATE: 28.10.21

Street Address: 4e/140 Chapman Street
Badu Island 4875
Phone: 0439046457
Email: hoseameleta@gmail.com

TO

Helga Nona
Warraber Island

QTY	DESCRIPTION	UNIT PRICE	AMOUNT
1	Catering Service 13 th to 17 th January 2022		
	16 people		
	14 th - 18 th January 2022 Breakfast @\$10.00pp x 16 x 5 Days	\$10.00	\$800.00
	13 th - 17 th January 2022 Dinner @\$25.00pp x 16 x 5 Nights	\$25.00	\$2000.00
	Service and setting up fees included in the per person charge.		
		Total	\$2800.00

Issued By: Meleta Hosea

Date:28.10.21

Please advise by Email your remittance advice:

Direct Payment can be made to
Meleta Hose
BSB:084951
Account No:985 344 683

THANK YOU FOR YOUR BUSINESS!



Torres Strait Island Regional Council
PO Box 7532, Cairns QLD 4870
T: (07) 40345700
F: (07) 4034 5724
E: creditors@tsirc.qld.gov.au

NEW SUPPLIER REQUEST FORM

Please use BLOCK LETTERS and complete all details in full, incomplete forms will be returned.

Please ensure all invoice and statements are emailed to creditors@tsirc.qld.gov.au quoting purchase order to enable payment.

INFORMATION PRIVACY STATEMENT

Your Personal Information is protected by law and can only be released to someone else where authorised by law or where you give your permission. Council is collecting your personal information contained in this document for the purpose of processing your new creditor application form. This collection of Personal Information is authorised by law under the Right to Information Act 2009 and the Information Privacy Act 2009.

Section 1 – Supplier Type

- ☒ New Supplier ☐ Amendment ☒ Single Use ☐ Grant
☐ Employee ☐ Refund
(please tick applicable box/es)

Section 2 – Supplier Details

Registered Name:			
Trading Name:			
ABN:			
Type of Service Provided:	<input type="checkbox"/> Goods Only	<input type="checkbox"/> Service Only	<input type="checkbox"/> Goods and Services
Indigenous/Torres Strait Islander Supplier:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Are you on Local Buy:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

Section 3 - Account Details

Contact Name:	Helsa Nona.	Phone Number:	0497233839
Position:		Email Address:	hnona10@gmail.com
Trading Address:			
City/Town:	Warraber IS	State:	Qld
Postcode:	4875		
Remittance Email:			

Section 4 – Bank Account Details

Account Name:	Helsa Nona
Bank Name:	N.A.B
Bank Address:	08 T.1
BSB Number:	084951
Account Number:	868523228

To ensure your payment is paid to the correct account, please attach a copy of your bank statement

Section 5 – Authorisation (by authorised officer of the company/organisation)

Name (please print):			
Position/Title:			
Signature:	Date:		
OFFICE USE ONLY	Supplier Code:	Date Received:	ABN Check <input type="checkbox"/> Yes <input type="checkbox"/> No
	Bank Statement Received: <input type="checkbox"/> Yes <input type="checkbox"/> No	Approved: <input type="checkbox"/> Yes <input type="checkbox"/> No	Date Checked:
	Approvers Signature:		

Katherine Epsseg

From: Helga Nona
Sent: Tuesday, 9 November 2021 2:20 PM
To: Community Grants
Subject: RE: CG2022-041: Helga Nona 2022 Kuki Carnival

Hi Katherine,

Please see below.

Account Details

HELGA ANN NONA

BSB number 084-951

Account number 86-852-3228

Regards,

Helga Nona | Engineering Administration Officer

Torres Strait Island Regional Council



Phone: 07 4083 2559 Mobile: 0439 649 340

Email: Helga.Nona@tsirc.qld.gov.au

Address: TSIRC, Warraber (Sue) Island, QLD 4875

Website: www.tsirc.qld.gov.au

Find us on:   

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From: Community Grants <Community.Grants@tsirc.qld.gov.au>

Sent: Tuesday, 9 November 2021 1:39 PM

To: Helga Nona <Helga.Nona@tsirc.qld.gov.au>

Subject: CG2022-041: Helga Nona 2022 Kuki Carnival

Good afternoon Helga,

This is just a reminder to send through a copy/snippet of your bank account details.
This will be added onto your community grants application.

Kind regards,
Katherine Epsseg.

Community Grants

Torres Strait Island Regional Council



Phone: 07 4034 5700

Email: Community.Grants@tsirc.qld.gov.au

Address: Level 3, 111 - 115 Grafton Street, Cairns, Queensland 4870

Website: www.tsirc.qld.gov.au

Find us on:   

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Kim Kelly

From: Clara Tamu <clara.tamu@yahoo.com.au>
Sent: Tuesday, 30 November 2021 12:11 PM
To: Community Grants
Subject: External Email - RE: URGENT: CG2022-041: Helga Nona 2022 Kuki Carnival

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If in any doubt, delete the message or call IT Services for assistance.

Hi Kim

Surumau Gladiators executives have agreed to Auspice funds on behalf of UV Soldiers. Surumau Gladiators agree to the condition of the funding guidelines.

Thanks

Clara Tamu

[Sent from Yahoo Mail on Android](#)

Sr\$Yi0\$74\$ sz\$465\$ex\$55\$56\$eq @Gsq q yrm}\$Kverw\$
@Gsq q yrm}\$KverwD xmg2up2ks2eyB\$ vxi\$

Good morning Clara,

As per the attached, Helga Nona has listed Surumau Gladiators as the Auspice Entity for her Community Grant application.

Can you please provide Surumau Gladiators support and agreement to conditions of funding in writing.

Thanks in advance

Kim

Community Grants

[Torres Strait Island Regional Council](#)



Phone: 07 4034 5700

Email: Community.Grants@tsirc.qld.gov.au

Address: [Level 3, 111 - 115 Grafton Street, Cairns, Queensland 4870](#)

Website: www.tsirc.qld.gov.au

Find us on:   

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From: Helga Nona <Helga.Nona@tsirc.qld.gov.au>
Sent: Tuesday, 30 November 2021 9:25 AM
To: Community Grants <Community.Grants@tsirc.qld.gov.au>
Subject: RE: URGENT: CG2022-041: Helga Nona 2022 Kuki Carnival

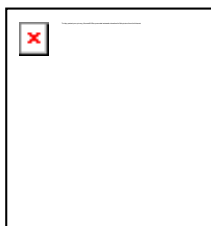
Hi Kem,


Please find the attached form.

Regards,

Helga Nona | Engineering Administration Officer

[Torres Strait Island Regional Council](#)



Phone: 07 4083 2559 **Mobile:** 0439 649 340
Email: Helga.Nona@tsirc.qld.gov.au
Address: TSIRC, Warraber (Sue) Island, QLD 4875
Website: www.tsirc.qld.gov.au
Find us on:   

This email and any attachments are confidential and are only to be read by the addressee as they may contain legally privileged information. If you are not the addressee indicated in this message (or responsible for delivery of such message to the addressee), you should destroy this message immediately and kindly notify the sender by return email.

From: Community Grants <Community.Grants@tsirc.qld.gov.au>
Sent: Tuesday, 30 November 2021 8:56 AM
To: Helga Nona <Helga.Nona@tsirc.qld.gov.au>
Subject: URGENT: CG2022-041: Helga Nona 2022 Kuki Carnival

Good Morning Helga

I'm just reviewing Community Grant applications for this month's Council meeting and note that you have requested funds be paid to an Auspice. Unfortunately you can not be your own Auspice, and an individual can not be an Auspice.



Community Grant Program Assessment Form

Date:	26.11.2021	Application No:	CC2022-043
Applicant:	Mangaroo Line Gammas	Amount:	\$3,000.00
Project/Activity:	Costs associated with attending the 2022 Kuki Carnival on Badu Island.		

The attached application was assessed against the following criteria

• The benefit to the community;	✓
• The impact, if any, on Council's operations in the provision of plant equipment and materials for in-kind donations;	✓
• The availability of funds within the Council's annual budget;	✓
• The entities own source funding;	✓
• The timing and amount of financial assistance previously provided to the applicant;	✓
• The real or in-kind value of the group's/organisation's contribution to the project/event;	✓
• The status of the organisation incorporated under State or Commonwealth legislation; and	✓
• The GST status of the applicant organisation;	✓
• The beneficiaries are current Torres Strait Island residents	✓

Divisional Councillor support obtained?	Yes <input type="checkbox"/> No <input type="checkbox"/>	For the amount of:	\$
---	--	--------------------	----

Council Officer:	K. Kelly
Signature:	
Date:	30.11.21

Office Use Only

Council Support obtained?	Yes <input type="checkbox"/> No <input type="checkbox"/>	For the amount of:	\$
Resource Code:		OP Task Code:	

Purchase Orders:

Supplier	Amount	Date raised	Emailed
			Y <input type="checkbox"/> N <input type="checkbox"/>
			Y <input type="checkbox"/> N <input type="checkbox"/>
			Y <input type="checkbox"/> N <input type="checkbox"/>
			Y <input type="checkbox"/> N <input type="checkbox"/>





CG2021- 043

Community Grants Application Form

Applicant Details

Applicant Type

☐ Individual

☒ Community Entity

Applicant Details

Individual or

Community Entity

Name (eg, sports team,
church group):

Mangaroo line Gammes
Touch Football Team
Yam Island

Contact Details

Street Address:

Phone No.:

Email Address:

Community
Entity Contact
Name:

Esther Moreko

Role of Contact:

Eligibility - Please tick Yes or No to the following questions:

Is the individual / entity based within the boundaries of Torres Strait Island Regional Council?

Yes ☒ No ☐

Does the individual / entity carry on activities for a public purpose?

Yes ☒ No ☐

Is the individual / entity's primary objective directed at not making a profit?

Yes ☒ No ☐

Has the individual / entity breached a rental agreement, a childcare agreement or an agreed current payment plan with Council?

Yes ☐ No ☒

Is the entity a registered political party?

Yes ☐ No ☒

Has the individual / entity obtained any permits required to undertake the project/activity. (e.g. Prescribed Activity Permit for the operation of temporary entertainment or holding of a public place activity) (attach relevant permits)?

Yes ☐ No ☒

Has the individual / entity provided an acquittal declaration for all previous grants received?

Yes ☐ No ☐ N/A

Project/Activity Details

Name of project/activity:

(Provide copies of event flyers)

KUKI CARNIVAL - AT BADU ISLAND

Location of project/activity:

BADU ISLAND



Start Date: 14th January/22 End Date: 16th January/22
(Must be after Council's next Ordinary Meeting)

Is a Prescribed Activity Permit required for this project?

- ☐ Yes – please include copy of approved permit / permit application
☒ No

Grant sought from Council

☒ Financial Assistance: \$ 3000.00 (please provide quotes)

Being for: Food, Uniform, Flights

☐ In-Kind Assistance: \$ (please provide dates)

Being for:

☐ Prescribed Activity Permit fees: \$ (please provide dates)

Being for:

Please provide evidence of your fundraising efforts:

Currently Fundraising
Applied for other grant funding TS4RSA

Why is this project needed, and what benefits will it bring to the community?

Exercise, encouraging youth in sports,

(attach letters of support from elders etc)

Payment - Purchase Order Details

All payments will be made directly to relevant supplier/s:

Options for payment are:

- ☐ Purchase Order ☒ Auspice Entity

Purchase Order Details

Supplier	Amount
Suruman Gladiators Football Club	

Auspice Entity Details (letter of support must be attached)

Street Address: 64 James Street
Phone No.: 0457 025 864
Email Address: clara.tamu@yahoo.com.au
Contact Name: Clara Tamu
ABN: _____

Agreement and Signature

I, the undersigned, certify that:

- To the best of my knowledge, the information given in this document is true and accurate.
- I have read and understood the Grants and Donations Procedure provided with this application and I agree to abide by the conditions of the grant as set out in the procedure.
- I understand that if Torres Strait Island Regional Council approves the grant, I will be bound by the contents of this application, to carry out the project as described in this application.

Name (printed): ESTHER MAREKO

Signature: Ekebidu

Date: 10/11/21

Position in Community/Auspice Entity (if applicable): _____

INFORMATION PRIVACY STATEMENT

Your Personal Information is protected by law and can only be released to someone else where authorised by law or where you give your permission. Council is collecting your personal information contained in this document for the purpose of assessment, administration and evaluation. This collection of Personal Information is authorised by law under the Information Privacy Act 2009. It is Council's usual practice that the Personal Information contained in this document is disclosed to Council's external auditors and published on Council's website and in Council's Annual Financial Statements as part of compliance with the Local Government Regulation 2012. By signing this declaration you consent to such disclosure and publication.

Kim Kelly

From: Clara Tamu <clara.tamu@yahoo.com.au>
Sent: Tuesday, 30 November 2021 8:49 AM
To: Kim Kelly
Subject: External Email - AUSPICE

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DO NOT reply, click on links (including email addresses) or open attachments unless you have verified the sender and know the content is safe.

If in any doubt, delete the message or call IT Services for assistance.

Hi Kim,

On behalf of Surumau Gladiators Rugby League executives have confirmed the club will be auspicings the funds on behalf of Mangaroo Line Gammas from Yam Island.

Surumau Gladiators agree to the condition of the funding agreement.

Thanks

[Sent from Yahoo Mail on Android](#)



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Operations Mobile: 0407595004

QUOTE

Customer Name:	CASH ACCOUNT	Contact	CLARA TAMU
Quote No:	CQ024394	Contact Phone:	No Mobile / No Landline
Quote Date:	10/11/2021	Flight Cost:	1837.00
Aircraft:	Twin Engine	Passenger Tax:	.00
Flight Date:	10/11/2021	Total Cost:	1837.00 incl GST
Your Reference:			

If you are Pre-Paying your flight please advise Operations, and use the quote number as your reference number

BANK ACCOUNT DETAILS: A/C NAME: McGILVRAY AVIATION BSB: 633-000 A/C NO: 157483892

Passengers are to be at the airport ready for flight 30 minutes before departure. If passengers are not at the airport at the time of departure it is at the discretion of Cape Air Transport to travel without that passengers.

Schedule and Maximum Payloads.

YAM IS - BADU IS.	Departing	10:00	Arriving	10:22
Maximum Payload This Sector	661kg			

Passengers	Weight	Baggage
7 PAX	100Kg	10Kg

NOTES

Date & Times TBA

Cost for 4 x Twin Engines - \$7348.00

7 passengers per aircraft dependent on weights

Terms & Conditions

- Passengers are to be at the airport ready for flight 30 minutes before departure.
- If passengers are not at the airport at the time of departure it is at the discretion of Cape Air Transport to travel without that passengers.
- A quote is NOT a confirmed booking and is valid for 7 days. Should you wish to receive a quote and book your charter at the same time please advise the staff.
- Quotes include passenger tax for the number of passengers advised, arriving and departing Horn. At any time should the numbers change the passenger tax will be altered accordingly. Passenger tax is paid for all passengers 3 years of age and over. Passenger tax is a tax imposed by Torres Shire Council.
- All private bookings to be paid for by cash, credit card or bank transfer must pay a 10% deposit at the time of booking, to confirm the charter. This is a non-refundable deposit. Full payment must be made 24 hours prior to departure. Should payment not be received 24 hours in advance your booking will automatically be cancelled. When



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Operations Mobile: 0407595004

making payment directly into the bank please ensure that you use your quote number as the reference.

- All payments made by card will incur a 1.5% fee
- Cape Air Transport is a Charter Business. The person booking the flight is responsible for the full payment of the flight.
- Purchase Orders must be received for the flight booking 24 hours prior to departure, unless preapproved.
- If a charter is cancelled on the day of travel a 100% cancellation fee may be incurred at the discretion of Cape Air Transport.
- If a charter is cancelled 24 Hours before the day of travel a 50% cancellation fee may be incurred at the discretion of Cape Air Transport.
- If a charter is booked and passengers do not show for a flight, a 100% cancellation fee will be incurred
- Cape Air Transport will not be responsible for the offloading of passengers or baggage if the weights are incorrectly advised and the aircraft is overweight. Safety is our first concern.
- Weather conditions will affect fuel load, which in turn will affect the maximum weight limit for passengers and baggage. Should the weather conditions reduce the payload of the aircraft, it will be at the discretion of Pilot. Cape Air Transport will not be responsible if any baggage or passengers need to be offloaded.
- All flights are subject to weather conditions and are at the pilot's discretion. The decision to cancel or delay a flight is not taken lightly. Your safety is our number 1 priority.
- If it is assessed that the weather may prohibit the flight, cause diversions en-route or prevent the aircraft from reaching its destination, where possible, Cape Air Transport will advise the client ahead of time. On the day of travel, should the client choose to continue with the flight, and not fulfil the quoted route, due to weather, the client will be charged the fees incurred by Cape Air Transport.



Community Grant Program Assessment Form

Date:	16/11/2021	Application No:	CG2022-044
Applicant:	Waru Kazil	Amount:	\$2500.00
Project/Activity:	Costs associated with participating in the 2022 Kuki Carnival, Badu Island.		

The attached application was assessed against the following criteria

• The benefit to the community;	✓
• The impact, if any, on Council's operations in the provision of plant equipment and materials for in-kind donations;	✓
• The availability of funds within the Council's annual budget;	✓
• The entities own source funding;	✓
• The timing and amount of financial assistance previously provided to the applicant;	✓
• The real or in-kind value of the group's/organisation's contribution to the project/event;	✓
• The status of the organisation incorporated under State or Commonwealth legislation; and	✓
• The GST status of the applicant organisation;	✓
• The beneficiaries are current Torres Strait Island residents	✓

Divisional Councillor support obtained?	Yes <input type="checkbox"/> No <input type="checkbox"/>	For the amount of:	\$
---	--	--------------------	----

Council Officer:	Kim Kelly.
Signature:	
Date:	30.11.21

Office Use Only

Council Support obtained?	Yes <input type="checkbox"/> No <input type="checkbox"/>	For the amount of:	\$
Resource Code:		OP Task Code:	

Purchase Orders:

Supplier	Amount	Date raised	Emailed
			Y <input type="checkbox"/> N <input type="checkbox"/>
			Y <input type="checkbox"/> N <input type="checkbox"/>
			Y <input type="checkbox"/> N <input type="checkbox"/>
			Y <input type="checkbox"/> N <input type="checkbox"/>





CG2022- 044

Community Grants Application Form

Applicant Details

Applicant Type

☐ Individual☒ Community Entity

Applicant Details

Individual or
Community Entity
Name (eg, sports team,
church group):

WARN KAZIL

Contact Details

Street Address:

111 School Street - Badu Island

Phone No.:

0457584035

Email Address:

phoebewie.33@gmail.com

Community
Entity Contact
Name:

Phoebe. Bowie

Role of Contact:

PHOEBE (ORGANISER)

Eligibility - Please tick Yes or No to the following questions:

Is the individual / entity based within the boundaries of Torres Strait Island
Regional Council?

Yes ☐ No ☒

Does the individual / entity carry on activities for a public purpose?

Yes ☐ No ☒

Is the individual / entity's primary objective directed at not making a profit?

Yes ☐ No ☒

Has the individual / entity breached a rental agreement, a childcare
agreement or an agreed current payment plan with Council?

Yes ☐ No ☒

Is the entity a registered political party?

Yes ☐ No ☒

Has the individual / entity obtained any permits required to undertake the
project/activity. (e.g. Prescribed Activity Permit for the operation of temporary
entertainment or holding of a public place activity) (attach relevant permits)?

Yes ☐ No ☒

Has the individual / entity provided an acquittal declaration for all previous
grants received?

Yes ☐ No ☒

Project/Activity Details

Name of project/activity: 2022 KUKI

(Provide copies of event flyers)

BADU ISLAND SPORTS CARNIVAL

Location of project/activity:

BADU SPORTS COMPLEX



Start Date: 14 Jan 2022	End Date: 16 Jan 2022
(Must be after Council's next Ordinary Meeting)	
Is a Prescribed Activity Permit required for this project?	
<input type="checkbox"/> Yes – please include copy of approved permit / permit application.	
<input type="checkbox"/> No	
Grant sought from Council	
<input type="checkbox"/> Financial Assistance: \$ 2500.00 (please provide quotes)	
Being for the purchase of: Jerseys + catering.	
<input type="checkbox"/> In-Kind Assistance - relates to the waiver of fees associated with the use of Council facilities (hire of Council car, Community hall, etc). <i>Please complete a "Community Grants - In-kind" Application Form</i>	
<input type="checkbox"/> Prescribed Activity Permit fees – request to waiver permit fees falls under In-kind Assistance. <i>Please complete a "Community Grants - In-kind" Application Form</i>	
Please provide evidence of your fundraising efforts	
In Kind Support sorted from Artists to design touch team shirts, shorts and shops donating water + fruits	
Why is this project needed, and what benefits will it bring to the community?	
# Attach #	
(attach letters of support from elders etc)	
Payment - Purchase Order Details	
All payments will be made directly to relevant supplier/s:	
Options for payment are:	<input type="checkbox"/> Purchase Order <input checked="" type="checkbox"/> Auspice Entity
Purchase Order Details	
Supplier	Amount
Auspice Entity Details	
# Attach # (letter of support must be attached)	
Auspice Name:	Kulpiyam Youth + Sport Inc
Street Address:	341 Chapman Street
Phone No.:	0412910244
Email Address:	jisupermarket16@outlook.com
Contact Name:	Jermaine Reuben
ABN:	95 849 723 138

Agreement and Signature

I, the undersigned, certify that:

- To the best of my knowledge, the information given in this document is true and accurate.
- I have read and understood the Grants and Donations Procedure provided with this application and I agree to abide by the conditions of the grant as set out in the procedure.
- I understand that if Torres Strait Island Regional Council approves the grant, I will be bound by the contents of this application, to carry out the project as described in this application.

Name (printed): Phoebe. Bowie

Signature: 

Date: 15.11.21

Position in Community/Auspice Entity (if applicable):

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Thursday 11 November 2021

TSIRC
Grants Administration
Cairns
QLD 4870

RE: Waru Kazil Touch Team (Grant Fund)

Kulpiyam Youth & Sport Inc has approved to auspice grant funds for 'Waru Kazil' touch team to participate in the 2022 Badu Kuki Sports Carnival.

On approval, funds can be deposited into the following account:

Kulpiyam Youth & Sport Inc
BSB: 084951
ACC: 927448441

If you require further information, please don't hesitate to contact me on 0412910244.

Kind regards,



Jermaine Reuben
Chairperson

Mura Badulgal (TSI) Corporation
RNTBC (ICN: 3720)



12 November 2021

To Whom It May Concern,

I write on behalf of the Board of Directors (the Board) to support Miss Flora May Nona's proposal to apply for a grant with the Torres Strait Island Regional Council.

The 'Kuki Touch Carnival' is held annually in January on Badu Island during the school holidays. Some benefits of this event to the community are social gatherings giving school-aged children an opportunity to engage in healthy active lifestyle activities.

The proposed application to support 'Waru Kazil Touch Football Team' to participate in the above-mentioned carnival is highly relevant and well in line with the focus of the corporation.

The Board strongly support this application and the focus to engage school aged children in healthy active lifestyle activities.

Yours Sincerely,

Horace Baira
Acting PBC Manager

*Address all correspondence to the Acting PBC Manager,
Mr Horace Baira
Mura Badulgal (TSI) Corporation RNTBC
PO Box 198 Badu Island Qld 4875*

T: 0742 030 986

F: 0740 694 530

E: manager@badupbc.org.au

W: www.badupbc.org.au

2022 KUKI BADU ISLAND SPORTS CARNIVAL



TOUCH

MEN DIVISION

16 Teams— Winner
\$8,000 Runners up
\$1,000



15 Teams or less—subject to number of teams and
sponsorships

WOMEN DIVISION

12 Teams—Winners 4,000 Runners up—\$1,000
11 Teams or less— subject to number of teams and
sponsorships

Nomination Fee—\$500

Exhibition match/Junior games

Darts—Mixed Team

Nomination Fee— \$300

12 Teams



FUN RUN—Colour

All Ages - Free



Relay—Teams

\$200 cash prize



Close date: Thursday 5th January 2022



Date: 14—16 January 2022

Venue: Badu Sports Complex

Contact:

Jermaine - 0412910244

Johnny Baira - 0457087331

Eddie Nona- 0456820799





QUOTE

Waru Kazil Touch Team

Date
1 Dec 2021

Quote Number
QU-0002

ABN
95 849 723 138

Kulpiyam Youth & Sport
(TSI) Inc
90 Ahmat Yabu
BADU ISLAND QLD 4875
AUSTRALIA

2022 Kuki Carnival - Catering for Waru Kazil

Description	Quantity	Unit Price	GST	Amount AUD
Catering (lunch & dinner) for Waru Kazil Touch Team at Kuki Carnival 14-16 Jan 22 (16 players)	1.00	1,000.00		1,000.00
Subtotal				1,000.00
TOTAL AUD				1,000.00

QUOTE

Waru Kazil

Date
30 Nov 2021

Expiry
14 Dec 2021

Account Number

Quote Number
QU-0396

Reference
Kit

ABN
84 618 537 278

Intercept Supply Co Pty
Ltd
Unit 5 1029 Manly Rd
TINGALPA QLD 4173
AUSTRALIA

Description	Quantity	Unit Price	GST	Amount AUD
Pack, Package Price- Polo, Singlet & Training shorts	20.00	82.00	10%	1,640.00
Del, Delivery - TNT	1.00	70.00	10%	70.00
Subtotal				1,710.00
Total GST 10%				171.00
TOTAL AUD				1,881.00

Terms



Community Grant Program Assessment Form

Date:	26/11/21	Application No:	CG 2022-046
Applicant:	St Paul Anglican Church	Amount:	\$1848.00
Project/Activity:	Catering costs for St Pauls Anglican Church Day		

The attached application was assessed against the following criteria

• The benefit to the community;	✓
• The impact, if any, on Council's operations in the provision of plant equipment and materials for in-kind donations;	✓
• The availability of funds within the Council's annual budget;	✓
• The entities own source funding;	✓
• The timing and amount of financial assistance previously provided to the applicant;	✓
• The real or in-kind value of the group's/organisation's contribution to the project/event;	✓
• The status of the organisation incorporated under State or Commonwealth legislation; and	✓
• The GST status of the applicant organisation;	✓
• The beneficiaries are current Torres Strait Island residents	✓

Divisional Councillor support obtained?	Yes <input type="checkbox"/> No <input type="checkbox"/>	For the amount of:	\$
---	--	--------------------	----

Council Officer:	K Kelly
Signature:	OKi \$
Date:	30-11-21

Office Use Only

Council Support obtained?	Yes <input type="checkbox"/> No <input type="checkbox"/>	For the amount of:	\$
Resource Code:		OP Task Code:	

Purchase Orders:

Supplier	Amount	Date raised	Emailed
			Y <input type="checkbox"/> N <input type="checkbox"/>
			Y <input type="checkbox"/> N <input type="checkbox"/>
			Y <input type="checkbox"/> N <input type="checkbox"/>
			Y <input type="checkbox"/> N <input type="checkbox"/>





CG2021-046

Community Grants Application Form

Applicant Details	
Applicant Type	
<input type="checkbox"/> Individual	<input checked="" type="checkbox"/> Community Entity
Applicant Details	
Individual or Community Entity Name (eg, sports team, church group):	St Paul Anglican Church
Contact Details	
Street Address:	St Pauls Community, Moa Island QLD 4875
Phone No.:	0456586375
Email Address:	spacmoaisland@outlook.com
Community Entity Contact Name:	Ms Adele Mene
Role of Contact:	Peoples Warden
Eligibility - Please tick Yes or No to the following questions:	
Is the individual / entity based within the boundaries of Torres Strait Island Regional Council?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Does the individual / entity carry on activities for a public purpose?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Is the individual / entity's primary objective directed at not making a profit?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Has the individual / entity breached a rental agreement, a childcare agreement or an agreed current payment plan with Council?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is the entity a registered political party?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Has the individual / entity obtained any permits required to undertake the project/activity. (e.g. Prescribed Activity Permit for the operation of temporary entertainment or holding of a public place activity) (attach relevant permits)?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Has the individual / entity provided an acquittal declaration for all previous grants received?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Project/Activity Details	
Name of project/activity: (Provide copies of event flyers)	
St Pauls Anglican Church Day - Tuesday 25 January 2022	
Location of project/activity:	
St Pauls Anglican Church & DUW Community Hall, St Pauls	

FORM_CA_2020_#294344_v3



Start Date:	End Date:
(Must be after Council's next Ordinary Meeting)	Tuesday 25 January 2022
Is a Prescribed Activity Permit required for this project?	
<input type="checkbox"/> Yes – please include copy of approved permit / permit application	
<input type="checkbox"/> No	
Grant sought from Council	
<input checked="" type="checkbox"/> Financial Assistance: \$ (please provide quotes)	
Being for:	
\$1,848.00 - To assist with the refreshment and dinner on Church day.	
<input checked="" type="checkbox"/> In-Kind Assistance: \$ (please provide dates)	
Being for:	
\$152.00 - Hall hire on 25/1/2022, for the refreshment after service, dinner & celebrations.	
<input type="checkbox"/> Prescribed Activity Permit fees: \$ (please provide dates)	
Being for:	
Other Sourced Funds <small>Please provide details of other funds sourced for this project/activity</small>	
Why is this project needed, and what benefits will it bring to the community?	
To celebrate the St Pauls Church Day & also to encourage our high school children during dinner as they start to travel for high school.	
(attach letters of support from elders etc)	
Payment - Purchase Order Details <small>All payments will be made directly to relevant supplier/s:</small>	
Options for payment are:	
<input checked="" type="checkbox"/> Purchase Order	<input type="checkbox"/> Auspice Entity
Purchase Order Details	
Supplier	Amount
IBIS	\$1,323.00
TI Bulk Meats	\$525.00
Auspice Entity Details (letter of support must be attached)	
Street Address:	
Phone No.:	
Email Address:	
Contact Name:	
ABN:	_____

Agreement and Signature

I, the undersigned, certify that:

- To the best of my knowledge, the information given in this document is true and accurate.
- I have read and understood the Grants and Donations Procedure provided with this application and I agree to abide by the conditions of the grant as set out in the procedure.
- I understand that if Torres Strait Island Regional Council approves the grant, I will be bound by the contents of this application, to carry out the project as described in this application.

Name (printed): **Adele Mene**

Signature: *Adele Mene*

Date: *25/11/2021*

Position in Community/Auspice Entity (if applicable): **People Warden**

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TI Bulk Meats Bulk Meat Packs

QTY	Description	Item	Total
2	Family Pack	200.00	400.00
1	Chicken Pack	125.00	125.00
			<u>\$ 525.00</u>

TI BULK MEATS BULK MEAT PACKS

\$70 BBQ PACK

1kg Rump Steak
1kg Lamb BBQ Chops
1kg Mince
1kg Beef Sausages
2kg Chicken Pieces

\$105 PARTY PACK

2kg Rump Steak
2kg Lamb BBQ Chops
2kg Beef Sausages
2kg Chicken Pieces

\$140 FREEZER PACK

2kg Rump Steak
2kg Lamb BBQ Chops
2kg Beef Sausages
1kg Mince
1kg Pork Spare Ribs
2kg Chicken Pieces

\$200 FAMILY PACK

2kg Rump Steak
2kg Lamb BBQ Chops
2kg Mince
2kg Beef Sausages
2kg Pork Spare Ribs
2kg Chicken Pieces

\$125 CHICKEN PACK

2kg Chicken Pieces
2kg Drumsticks
2kg Wings
2 Whole Bird #14

\$180 PORK & BLOOD

5kg Dice Pork Belly
2Lt Pig Blood

\$360

10kg Dice Pork Belly
4Lt Pig Blood

Kim Kelly

From: Cr. John Levi
Sent: Tuesday, 30 November 2021 11:12 AM
To: Community Grants
Cc: Community Grants
Subject: Re: FOR YOUR SUPPORT: Community Grants - December Council Meeting

Hi Kim application Supported.

Cr. John Levi | Councillor - Division 7 - St. Pauls
Member: Housing and Safe and Healthy Communities Committee

[Torres Strait Island Regional Council](#)



Phone: 07 4083 2901 **Mobile:** 0437 423 102
Email: Cr.John.Levi@tsirc.qld.gov.au
Address: TSIRC, Moa (St Pauls) Island, QLD 4875
Website: www.tsirc.qld.gov.au
Find us on:   

This email and any attachments are confidential and are only to be read by the addressee as they may contain legally privileged information. If you are not the addressee indicated in this message (or responsible for delivery of such message to the addressee), you should destroy this message immediately and kindly notify the sender by return email.

From: Community Grants <Community.Grants@tsirc.qld.gov.au>
Sent: Tuesday, November 30, 2021 10:40:54 AM
To: Cr. John Levi <Cr.John.Levi@tsirc.qld.gov.au>
Cc: Community Grants <Community.Grants@tsirc.qld.gov.au>
Subject: FOR YOUR SUPPORT: Community Grants - December Council Meeting

Good morning Cr. Levi
Please find Community Grant application attached for your endorsement:

Application Number	Applicant	Project	Division	Requested Amount
CG2022-046	St Paul's Anglican Church	Contribution towards costs associated with celebrating St Paul's Anglican Church Day 25/01/2022	St Pauls	1,848.00

Please advise if you support this application.

Current balance for St Pauls Community is \$11,500.00.

Please advise if you require any further information.

Kind regards
Kim

Community Grants

[Torres Strait Island Regional Council](#)



Phone: 07 4034 5700
Email: Community.Grants@tsirc.qld.gov.au
Address: [Level 3, 111 - 115 Grafton Street, Cairns, Queensland 4870](#)
Website: www.tsirc.qld.gov.au
Find us on:   

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Community Grant Program Assessment Form

Date:	26.11.2021	Application No:	CG2022-017
Applicant:	Kathleen Pabai	Amount:	\$2,500.00
Project/Activity:	Catering for Carols by Candlelight + Christmas Lights Event		

The attached application was assessed against the following criteria

• The benefit to the community;	✓
• The impact, if any, on Council's operations in the provision of plant equipment and materials for in-kind donations;	✓
• The availability of funds within the Council's annual budget;	✓
• The entities own source funding;	✓
• The timing and amount of financial assistance previously provided to the applicant;	✓
• The real or in-kind value of the group's/organisation's contribution to the project/event;	✓
• The status of the organisation incorporated under State or Commonwealth legislation; and	✓
• The GST status of the applicant organisation;	✓
• The beneficiaries are current Torres Strait Island residents	✓

Divisional Councillor support obtained?	Yes <input type="checkbox"/> No <input type="checkbox"/>	For the amount of:	\$
---	--	--------------------	----

Council Officer:	K. Kelly
Signature:	
Date:	30.11.21

Office Use Only

Council Support obtained?	Yes <input type="checkbox"/> No <input type="checkbox"/>	For the amount of:	\$
Resource Code:		OP Task Code:	

Purchase Orders:

Supplier	Amount	Date raised	Emailed
			Y <input type="checkbox"/> N <input type="checkbox"/>
			Y <input type="checkbox"/> N <input type="checkbox"/>
			Y <input type="checkbox"/> N <input type="checkbox"/>
			Y <input type="checkbox"/> N <input type="checkbox"/>





CG2021-047

Community Grants Application Form

Applicant Details

Applicant Type



Individual



Community Entity

Applicant Details

Individual or
Community Entity
Name (eg, sports team,
church group):

Kathleen Pabai

Contact Details

Street Address:

16 Toby Street, Borogu Island

Phone No.:

0474580371

Email Address:

Kjpabai2709@gmail.com

Community
Entity Contact
Name:

Role of Contact:

Organiser

Eligibility - Please tick Yes or No to the following questions:

Is the individual / entity based within the boundaries of Torres Strait Island
Regional Council?

Yes ☒ No ☐

Does the individual / entity carry on activities for a public purpose?

Yes ☒ No ☐

Is the individual / entity's primary objective directed at not making a profit?

Yes ☒ No ☐

Has the individual / entity breached a rental agreement, a childcare
agreement or an agreed current payment plan with Council?

Yes ☐ No ☒

Is the entity a registered political party?

Yes ☐ No ☒

Has the individual / entity obtained any permits required to undertake the
project/activity. (e.g. Prescribed Activity Permit for the operation of temporary
entertainment or holding of a public place activity) (attach relevant permits)?

Yes ☐ No ☐

Has the individual / entity provided an acquittal declaration for all previous
grants received?

Yes ☐ No ☒

Project/Activity Details

Name of project/activity:

Location of project/activity:

Carols by candlelight / Christmas light competition
Borogu Island

(Provide copies of event flyers)



Start Date: 22/12/21 End Date: 23/12/21
(Must be after Council's next Ordinary Meeting)

Is a Prescribed Activity Permit required for this project?

- ☐ Yes – please include copy of approved permit / permit application.
☒ No

Grant sought from Council

☒ Financial Assistance: \$ 2,500.00 (please provide quotes)

Being for the purchase of:

- ☒ Grocery for event
In-Kind Assistance - relates to the waiver of fees associated with the use of Council facilities (hire of Council car, Community hall, etc).

Please complete a "Community Grants - In-kind" Application Form

- ☐ Prescribed Activity Permit fees – request to waiver permit fees falls under In-kind Assistance.

Please complete a "Community Grants - In-kind" Application Form

Please provide evidence of your fundraising efforts

Nil efforts.

Why is this project needed, and what benefits will it bring to the community?

This project provides such importance to our community to bring in our community spirit after experiencing so much hardship and loss in the community.

Payment - Purchase Order Details

All payments will be made directly to relevant supplier/s.

Options for payment are: ☒ Purchase Order ☐ Auspice Entity

Purchase Order Details

Supplier	Amount

Auspice Entity Details

(letter of support must be attached)

Auspice Name:	
Street Address:	
Phone No.:	
Email Address:	
Contact Name:	
ABN:	

Agreement and Signature

I, the undersigned, certify that:

- To the best of my knowledge, the information given in this document is true and accurate.
- I have read and understood the Grants and Donations Procedure provided with this application and I agree to abide by the conditions of the grant as set out in the procedure.
- I understand that if Torres Strait Island Regional Council approves the grant, I will be bound by the contents of this application, to carry out the project as described in this application.

Name (printed):

Kathleen Pabai

Signature:



Date:

26/11/21

Position in Community/Auspice Entity (if applicable):

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Kim Kelly

From: Cr. Dimas Toby
Sent: Tuesday, 30 November 2021 11:16 AM
To: Community Grants
Cc: Community Grants
Subject: Re: FOR YOUR SUPPORT: Community Grants - December Council Meeting

Supported. Esso

Cr. Dimas Toby | Councillor - Division 1 - Boigu
Member: Governance and Leadership Committee

[Torres Strait Island Regional Council](#)



Phone: 07 4083 2002 **Mobile:** 0418 589 446

Email: Cr.Dimas.Toby@tsirc.qld.gov.au

Address: TSIRC, Boigu Island, QLD 4875

Website: www.tsirc.qld.gov.au

Find us on:   

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From: Community Grants <Community.Grants@tsirc.qld.gov.au>
Sent: Tuesday, November 30, 2021 10:41:09 AM
To: Cr. Dimas Toby <Cr.Dimas.Toby@tsirc.qld.gov.au>
Cc: Community Grants <Community.Grants@tsirc.qld.gov.au>
Subject: FOR YOUR SUPPORT: Community Grants - December Council Meeting

Good morning Cr. Toby
Please find Community Grant application attached for your endorsement:

Application Number	Applicant	Project	Division	Requested Amount
CG2022-047	Kathleen Pabai	Contribution towards costs associated with Boigu's Carols by Candlelight Event 22-23/12/2021	Boigu	2,500.00

Please advise if you support this application.

Current balance for Boigu Community is \$10,800.20.

Please advise if you require any further information.

Kind regards
Kim

Community Grants

[Torres Strait Island Regional Council](#)



Phone: 07 4034 5700
Email: Community.Grants@tsirc.qld.gov.au
Address: [Level 3, 111 - 115 Grafton Street, Cairns, Queensland 4870](#)
Website: www.tsirc.qld.gov.au
Find us on:   

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TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	December 2021
DATE:	7 and 8 December 2021
ITEM:	Agenda Report
SUBJECT:	Funding Acquisition Report
AUTHOR:	Kylie Sturges - Manager Enterprise Development & Delivery

Recommendation:

That Council resolves to note this report and its content.

Executive Summary:

This report provides an update on and summary of Council's recent grant acquisition activities.

New Agreements:

The following is a list of all new agreements executed during the month of November 2021 within the Chief Executive Officer's financial delegation limit of \$1,000,000 as per Council's Strategic External Grant Funding Policy:

- Department of Education, Skills and Employment
Community Child Care Fund – Aragon and Hammond Island Child Care
Value – Variation for additional funding of \$220,394
- Department of Infrastructure, Transport, Regional Development and Communications
Local Roads and Community Infrastructure – Phase 3
Value - \$388,576.00
- Department of State Development, Infrastructure, Local Government and Planning
Works for QLD 2019-21
Extension of Time Variation for the following projects:
 - Dauan Community Hall
 - Hammond Island Undercover Shelter/Workshop
 - Iama Covered Sporting Facility
 - Masig Island Builder's Workshop
 - Poruma Island Airport Waiting Shed
 - Saibai Island Airport Waiting Shed

Current Application Status Report:

The following table highlights all funding applied for during this financial year, including details on their outcomes and a status report on all unsuccessful and long-term pending applications. Please note, the reporting period has now changed from calendar year to fiscal year to align with Council's budget and projected forecasts.

Funding Stream	Value	Project Details	Date of Application	Outcome	Current Status Report
Reporting period - 1 July 2021 – 30 November 2021					
LRCI Phase 3	\$388,576	Upgrade of Dauan Helipad Road	22 nd November 2021	Successful	
State Government Financial Aid	\$7,393,000	Recurring annual funding to assist local governments with operational costs	N/A	N/A	
Revenue Replacement Program	\$546,200	Recurring annual funding for Indigenous Councils that handed over profitable liquor licences	N/A	N/A	
LGAQ QCoast2100 2.0	\$247,500	Funding to complete phases 6-8 of the Coastal Hazard Adaption Strategy	5 th November 2021	Pending	Funding outcomes are expected by January 2022.
Indigenous Language Grants	\$20,000	Development of Environmental Health Material and other Community Messages using Torres Strait Language. The media will include posters, prints, and videography.	15 th October 21	Pending	The outcome of this funding will be announced January 2022.
Queensland Reconstruction Authority	\$67,554	Design of Dauan Island Western Reservoir Road.	August 21	Successful	
State Library of Qld	\$17,000	Extension of funding for a further one-year period.	5 th July 21	Successful	
Dept. Sport & Rec	\$225,000	Funding to increase HLO's hours to deliver a fitness program under the direction of a qualified Personal Trainer	July 21	Successful	

<i>Total Amount Applied for between 1 July 2021 and 30 November 2021</i>
<i>\$8,904,830</i>

<i>Total Amount Successful between 1 January 2021 and 30 November 2021</i>	
Building Services	
Engineering	\$456,130
Community Services	\$242,000
Executive	\$7,939,200
Combined Total	<i>\$8,637,330</i>

Pending Applications from Previous Financial Year:

The below table lists all pending applications pertaining to the previous financial year. The Grants team will continue to follow up until confirmation is received on their outcome.

Funding Stream	Value	Project Details	Date of Application	Outcome	Current Status Report
<i>TSRA – Request for additional funding</i>	<i>\$300,000</i>	<i>Additional funding to complete the Dauan Multipurpose Court Project</i>	<i>27th May 21</i>	<i>Pending</i>	<i>Both Council and the Dept. Sport & Rec have followed up on the status of this application on multiple occasions and are yet to receive a response.</i>
<i>DOH – Public Health & Chronic Disease Program</i>	<i>\$2,272,301</i>	<i>Early Childhood Nutrition Program</i>	<i>21st May 21</i>	<i>Pending</i>	<i>Status update requested by email 29/10 and then again on the 24/11.</i>



Feedback Received on Unsuccessful Applications:

Feedback was requested on the three unsuccessful applications submitted under the Building Better Regions Fund, Round 5. Overall, there were 1085 applications submitted during this round, and only 298 of those were successful. The details from the feedback session are listed below.

Project	Value	Feedback Received
<i>Community Asset Management Strategy</i>	<i>\$480,000</i>	<i>Prior to writing both strategy applications TSIRC confirmed project eligibility with the Community Grants Hub, however contrary to the information received, both applications were deemed ineligible upon submission. During the feedback session it was noted that maintaining community assets is a standard Council operational responsibility, and as such would never be supported for funding under this program.</i>
<i>IT Transformation Strategy</i>	<i>\$567,000</i>	<i>As mentioned above, prior to writing both strategy applications TSIRC confirmed project eligibility with the Community Grants Hub, however contrary to the information received, both applications were deemed ineligible upon submission. Feedback received on this application was that while there were many community benefits to the development of this strategy, it would also benefit TSIRC's day to day operations. It was suggested that this application could potentially be reworded to suggest that it is a research study to look into the barriers of delivering IT services to the Communities, rather than a strategy to fix them.</i>
<i>Elphinstone Close Project – Cairns Operational Hub</i>	<i>\$4,694,002</i>	<i>The application was well written and very close to achieving approval. TSIRC were encouraged to re-submit this application to BBR Round 6 (The Australian Government announced \$250 million in the 2021-22 Budget towards a sixth round of the BBRF, which is expected to be released in early 2022) with the following additions:</i> <ol style="list-style-type: none"><i>1. TSIRC should engage an independent partner to evaluate our assumptions provided in the Cost Benefit Analysis, and to verify the projected benefits of direct and indirect employment that would be realised.</i><i>2. Provide a feasibility study to support the financial viability of the project.</i><i>3. Provide a project governance org chart that demonstrates the authority to make decisions; include the project team and steering group information.</i>

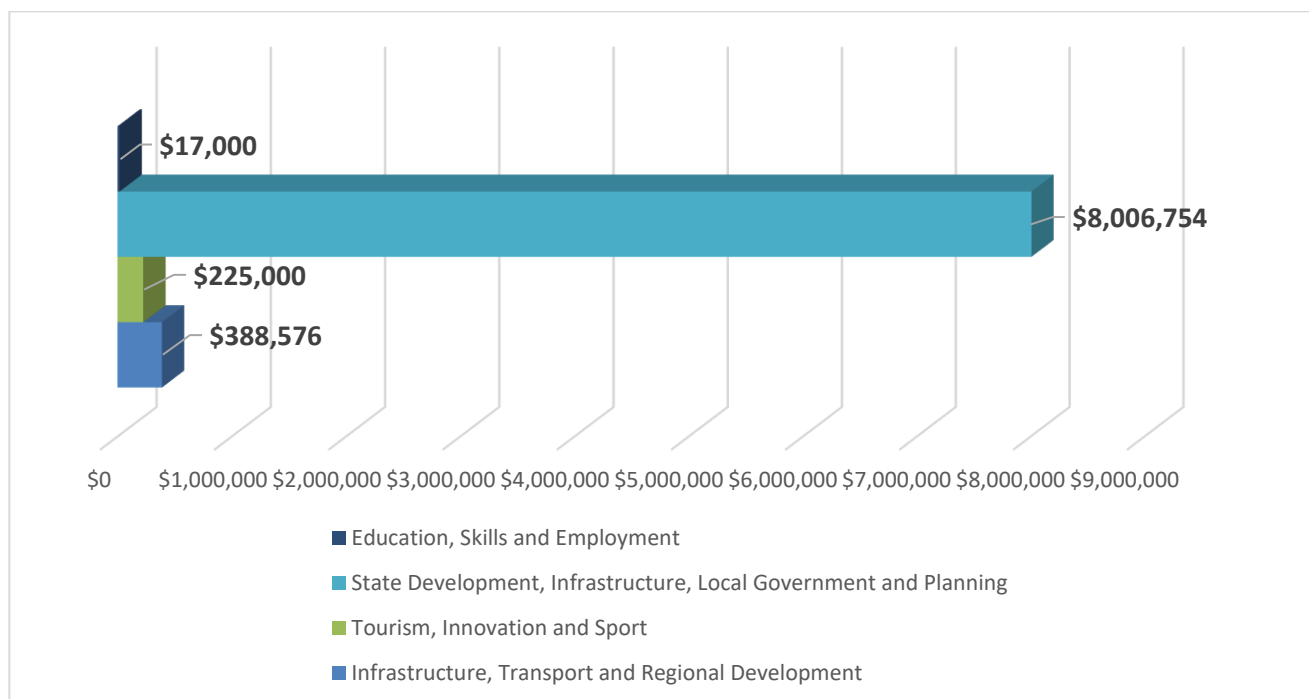
Funding Applications in Progress/Submitted:

The below list outlines all funding applications that are currently in progress or have been submitted during the month of November 2021.

-  **LGAQ QCoast2100 2.0 Program**
Funding to complete phases 6-8 of the Coastal Hazard Adoption Strategy.
Value - \$247,500
-  **LRCI Phase 3**
Funding to upgrade the Dauan Helipad Road
Value - \$388,576

Breakup of Funding Per Portfolio:

The following graph is a breakdown of successful funding received to date per ministerial portfolio.



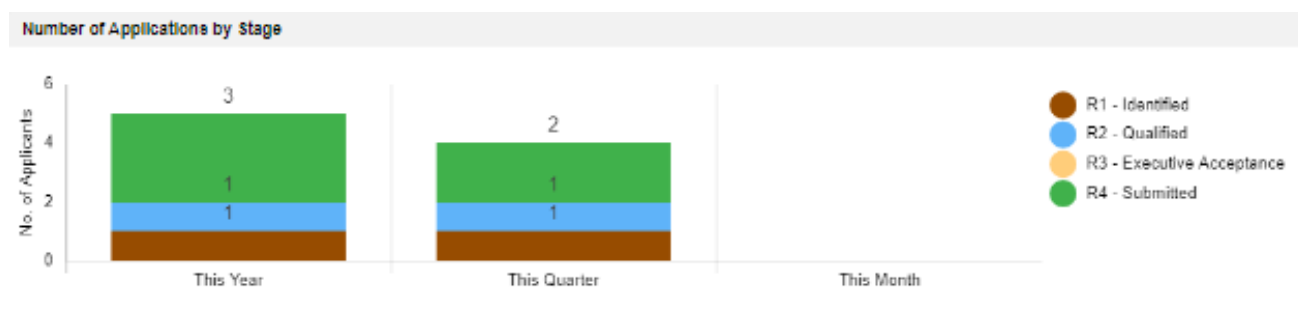
Councillor's Top 5 Priorities Status:

The following table provides an update on the current status of Councillor Top 5 Priority projects. Out of 75 identified projects there are currently 15 projects that have either been completed or are in the process of being completed. All remaining projects will continue to be matched against potential funding opportunities as they arise.

Priority List	Number of Initiatives	Total Value	%Total	R1 - Identified	R2 - Qualified	R3 - BSA Review	R4 - Submitted	R5 - Benefit Realisation
Priority 1	15	\$22,393,800.00	28%	8	3	0	0	4
Priority 2	15	\$23,071,857.00	28%	10	2	0	0	3
Priority 3	15	\$12,658,857.00	16%	7	3	0	0	5
Priority 4	15	\$11,622,000.00	14%	11	2	0	0	0
Priority 5	15	\$11,467,718.00	14%	10	1	0	0	3
Total	75	\$81,214,232.00	100%	46	11	0	0	15

Grant application status:

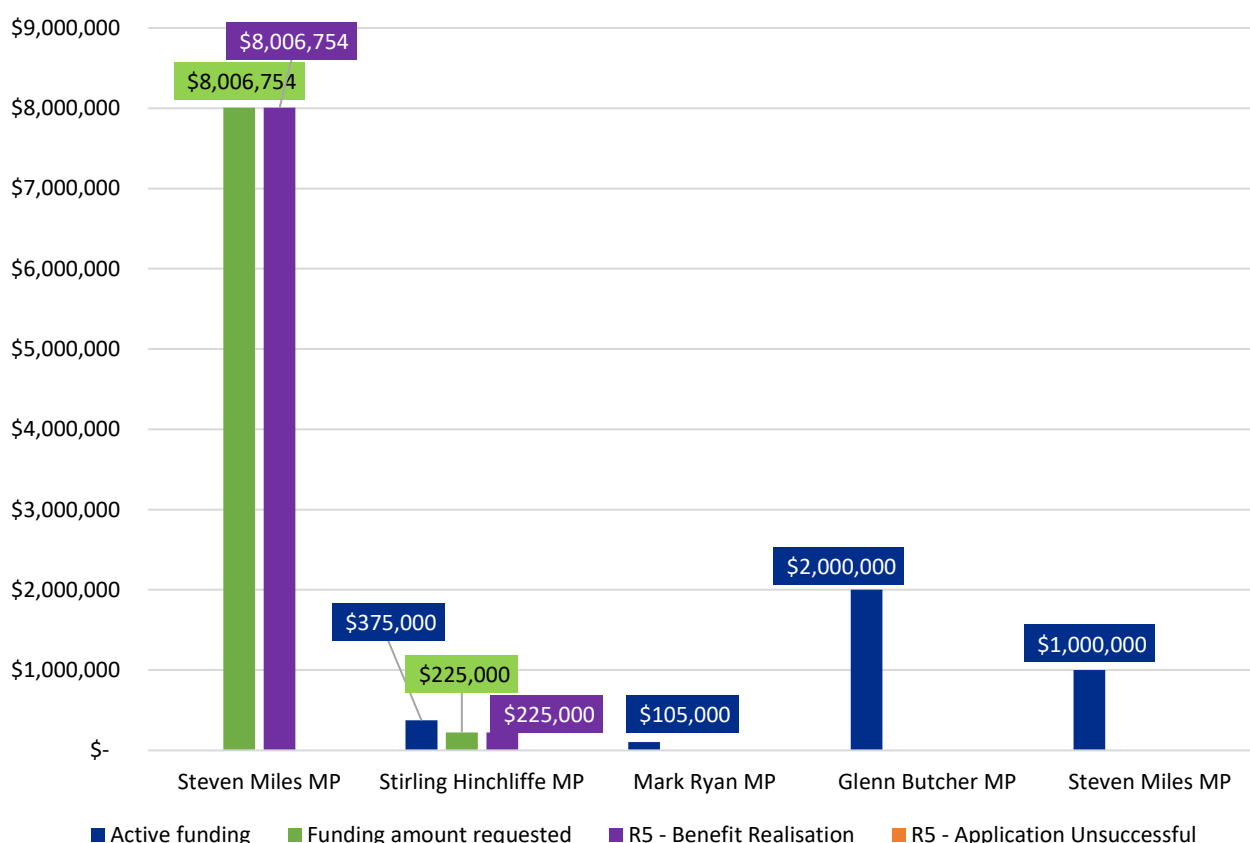
The following graphs depict the status and performance of funding applications. The Number of Applications by Stage graph shows the number of applications in each qualification stage between R1 Identified to R5 Benefit Realisation. The Application Performance graph outlines the total number of grants that have been successful, unsuccessful, or are yet to be determined.



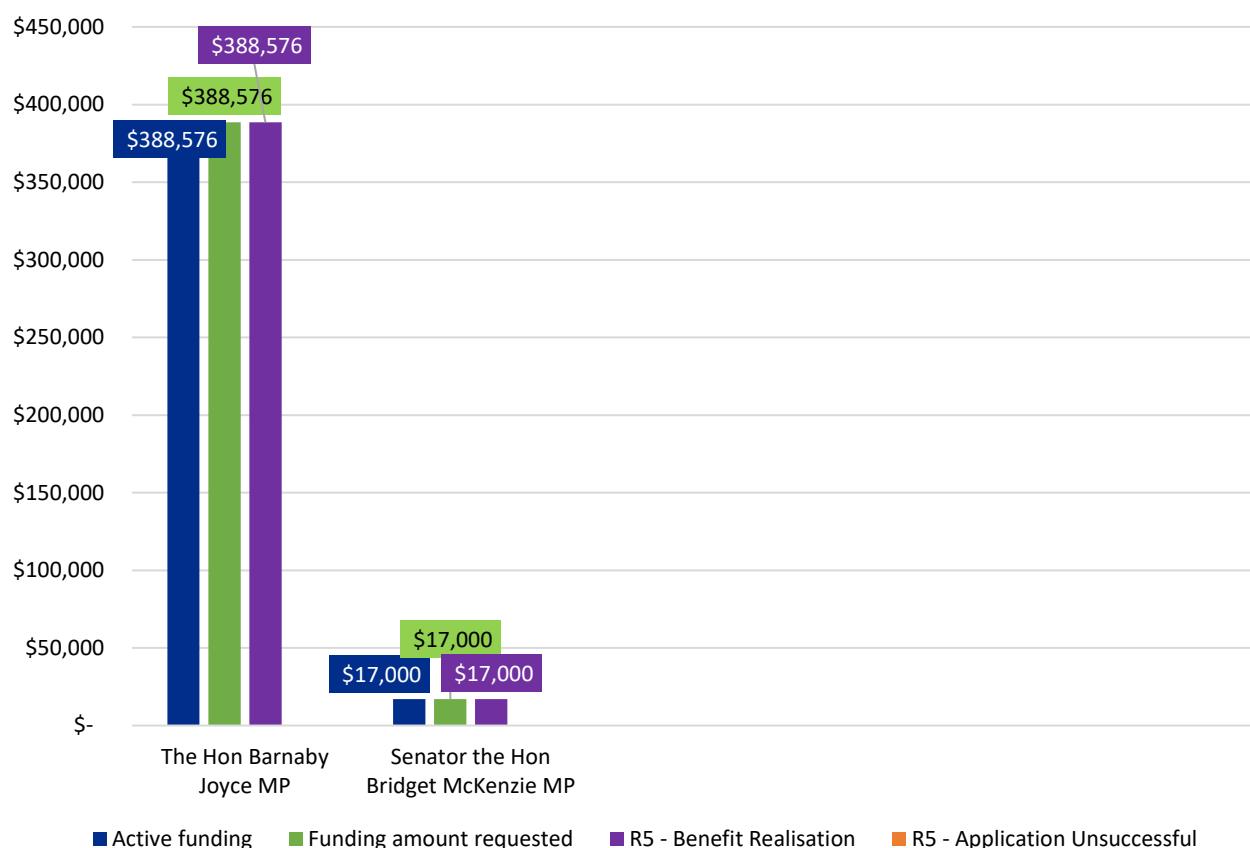
Funding agency Portfolio Breakdown:

The Funding agency Portfolio breakdowns show the total value of active funding, requested funding, and successful and unsuccessful applications per State (below) and Federal (overleaf) Ministerial.

Funding Agency Portfolio (active funding only) by State



Funding Agency Portfolio (active funding only) by Federal

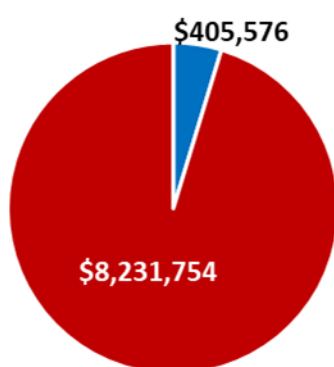


Value of Applications by Stage:

The two pie charts displayed below outline the total amount of successful funding broken down into State and Federal Portfolio (Graph 1) and the total value of funding applications submitted versus the total value of successful applications.

Graph 1

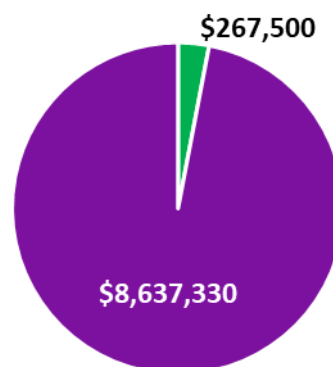
Successful Funding Only (Federal vs State)



■ Federal ■ State

Graph 2

Submitted vs Benefit Realisation



■ R4 - Submitted ■ R5 - Benefit Realisation

Links to Strategic Plans:

- Corporate Plan 2020-2025:
 - People - Outcome 4: We are a transparent, open and engaging Council.
 - Sustainability - Outcome 8: We manage Council affairs responsibly to the benefit of our communities.
- Operational Plan 2022-2022:
 - Objective 11: Further develop a good governance and risk culture across Council.

Statutory Requirements:

- *Local Government Act 2009*
- *Local Government Regulation 2012*

Conclusion:

That Council resolves to note and provide any necessary feedback to this report.



Endorsed:

Mette Nordling
Acting Head of
Corporate Services



Recommended:

Megan Barrett
Interim Executive Director Corporate Services



Approved:

David Baldwin
Acting Chief Executive Officer



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	December 2021
DATE:	7-8/12/2021
ITEM:	Agenda Report
SUBJECT:	COVID-19 operating update
AUTHOR:	Megan Barrett – Interim EDCS

Recommendation

That Council approves the COVID-19 Operating report.

Executive Summary:

The potential to open State borders on 17 December 2021 (or earlier, depending on the timing of achieving the 80% vaccination rate for Queensland and the CHO's directive) brings new attention to the threat of COVID-19 entering our communities.

Within Council's limit of authority and the State and Commonwealth Directives, Council has successfully protected its people during each of the COVID-19 outbreaks, using strict measures to control movement in and out of community and adhering carefully to government strategies and guidance. As Queensland borders open, it will prove necessary again to protect our communities through individual and shared efforts. In response to the scheduled re-opening of borders, Council has undertaken a series of preventative measures as follows:

1. Business Continuity Planning

The potential for COVID-19 impacting on Council's operations extends further than the core threat of transmission and includes matters such as provision (where possible and with QLG Health) of quarantine housing, options to work from home and impacts on leave balances when a family member is affected by COVID-19.

Business Continuity Planning has been undertaken (a meeting was convened for early December 2021) to ensure adequate supplies of cleaning and protection resources (disinfectant sprays and wipes, perspex sneeze screens, hand sanitizer) and to address matters such as home-based quarantine, provisions to manage a positive case being identified in community and opportunities to collaborate with other agencies to ensure appropriate exchange of information. Business Continuity Planning and risk management are focal points in anticipation of borders opening. Executive Management Team members and relevant personnel are meeting regularly to ensure Council is best prepared for this increased risk environment.

2. Entry to community

Council received advice from the State Health Minister at its workshop in November 2021 to the effect that restricted movement into any Queensland community on the basis of COVID may only be under the direction of a Public Health Order issued by the Chief Health Officer. As such, Council may not refuse entry into communities on the grounds of COVID and may not require visitors to show evidence of vaccination against COVID before granting permission to enter communities. Council may request evidence of vaccination where a visitor or resident attempts to enter an event/activity/venue hosted by Council and which the CHO has identified as requiring attendees to be vaccinated. Council has however made

changes to the Visitor Entry process to carefully reflect the importance of being vaccinated and the risks posed to community by COVID-19.

3. How COVID affects you – Community information

Council has developed an “at a glance” guide for communities to refer to when determining whether their vaccination status impacts on their ability to attend certain venues and functions. The poster-style guide is intended to be printed and displayed in Divisional offices and other public locations, as a decision-making resource. A copy of the guide is provided at Attachment 1.

4. Internal vaccination campaign

A message to all TSIRC staff encouraging vaccination (or completion of the vaccination process) over the Mayor’s signature was distributed in the week commencing 29 November 2021. A copy of that message is provided at Attachment 2.

Links to Strategic Plans:

- Corporate Plan 2020-2025:
 - Outcome 4: We are a transparent, open and engaging Council.

Statutory Requirements:

- *Local Government Act 2009*
- *Local Government Regulation 2012*

Conclusion:

That Council approves the COVID-19 Operating report.

Attachments:

Attachment 1: COVID Community Guide

Attachment 2: Message to all staff re Vaccinations

Endorsed:



Megan Barrett
Interim Executive Director, Corporate Services

Approved:



David Baldwin
Acting Chief Executive Officer



COVID MEASURES FOR TORRES STRAIT ISLANDS

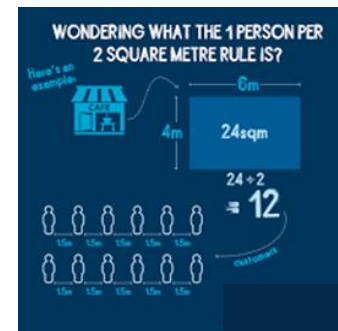
Where are you going?	YOU CAN GO IF YOU ARE VACCINATED	YOU CAN GO IF YOU ARE NOT VACCINATED *	*PLEASE NOTE!
HOSPITALS	YES	NO	Unvaccinated people can visit only for medical treatment, end of life, childbirth or emergency.
HOTELS, BARS, RESTAURANTS, CAFES	YES	NO	Vaccinated people only allowed, including staff and customers. No limit to the number of vaccinated people allowed.
OUTDOOR ENTERTAINMENT (A concert, a movie screening outdoors)	YES	NO	Vaccinated people only allowed.
WEDDINGS (Indoor and outdoor)	YES	NO	If all people attending are vaccinated, no limit applies. If any unvaccinated people are attending, limit of 20 people.
FUNERALS (Indoor)	YES	YES	Not limited to vaccinated people. One person per 2 square metres OR 200 people limit OR 100% allocated seating
GATHERINGS - Including Christmas Parties, Family BBQ, party, Cultural events and ceremonies (tombstone unveiling, shaving ceremony and similar)			
• INDOOR - at hotels, bars, restaurants, cafes.	YES	NO	No number limit when only fully vaccinated people attend if held at HOTELS, BARS, RESTAURANTS, CAFES
• INDOOR – private home	YES	YES	Up to 100 people can gather in homes.
• INDOOR – private hire of venue e.g. Community Hall	YES	NO	If occurring with unvaccinated individuals—a maximum of 20 people or 1 person per 4 square metres
• OUTDOOR	YES	NO	Only vaccinated staff and other people can attend.

COVID MEASURES FOR TORRES STRAIT ISLANDS

SHOPPING at IBIS or local shops	YES	YES	Fully vaccinated and unvaccinated people can access shops. Capacity limits may apply in some places.
CHURCHES – Church services/rally			
• INDOOR	YES	YES	One person per 2 square metres OR 200 people limit OR 100% allocated seating
• OUTDOOR	YES	NO	Only vaccinated staff and other people can attend.
Sporting events (a football game, a volleyball game)	YES	YES	Community sports - no restrictions.
Community meetings	YES	YES	Up to 100 people can gather in homes.
ART GALLERIES	YES	NO	One person per 2 square metres

For more information visit covid.qld.gov.au or call 134 COVID (13 42 68)

What does the 1 person per 2 square metres rule mean?



THE 'NEW
NORMAL'



Maintain physical
distancing (1.5m)



Wear a mask when
you're required to



Maintain good
hand hygiene



Stay at home
when sick



Check In Qld app for
effective contact tracing



Get vaccinated

Office of the Mayor



Kapu Kut/Debe Kikem/Good Afternoon,

You may have recently heard that on 17 December 2021, laws will change for people who have not been fully vaccinated against COVID-19. These changes will help to protect us against COVID-19 when the borders open between Queensland and other states. The Queensland Government is asking us to aim for having at least 80% of our population fully vaccinated by 17 December 2021, or sooner.

As the largest employer in the Torres Strait, we have a responsibility to lead by example in all that we do – and that includes vaccinations. We also have a responsibility to contribute to keeping our communities safe.

If you are eligible for vaccination, do not have a medical exemption, and haven't yet had your vaccination – or maybe you just need to have your second dose – I encourage you to make arrangements now, so that you can relax when the new restrictions come into effect - and so you can protect yourself, your family and your community.

Torres and Cape Hospital and Health Service is providing vaccination clinics across our region at the dates and venues listed below. Please take the time to get vaccinated and do your bit to keep our communities safe and healthy.

If you have any concerns or questions about the vaccination, I urge you to speak to a medical professional for advice.

Esoau/Eso

Cr. Phillemon Mosby

Mayor

Vaccination clinics

Week Commencing 29 November 2021

- Mabuiag – Monday 29th November to Wednesday 01 December
- Mer – Monday 29th November to Wednesday 01 December
- Iama – Thursday 2nd to Friday 3rd December 2021
- Warraber - Thursday 2nd to Friday 3rd December 2021

Week Commencing 6 December 2021

- Masig – Monday 6th to Tuesday 7th December
- Saibai - Monday 6th to Tuesday 7th December
- Erub – Wednesday 8th to Friday 10th December
- Boigu - Wednesday 8th to Friday 10th December
- Dauan – Friday 10th

Week Commencing 13 December 2021

- Mer - Monday 13th to Tuesday 14th December
- Badu - Monday 13th to Wednesday 15th December
- Poruma – Thursday 16th December to Friday 17th December
- Mabuiag - Thursday 16th December to Friday 17th December



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	December 2021
DATE:	7-8/12/2021
ITEM:	Agenda Report
SUBJECT:	Standing Committee review
AUTHOR:	Megan Barrett – Interim EDCS

Recommendation

That Council **notes** the Standing Committee review.

Executive Summary:

In July 2021 Council established five standing committees to deal with portfolio-specific matters:

- Climate Change Adaptation and Environment Committee
- Culture, Arts, Land and Heritage Committee
- Economic Growth Committee
- Governance and Leadership Committee
- Housing, and Safe and Healthy Communities Committee

Council also has a Strategic Advisory Reference Group (SARG) Committee which consists of the chair of each of the Standing Committees and the Mayor. Each Committee aims to meet at least 3 times per annum.

The Chairs of the Standing Committees were recently invited to provide feedback on the first year of function and have identified the following challenges since meetings commenced:

- Executive needs to keep the committee (Chair) informed of progress of projects - this is not currently occurring (Upcoming Projects that are endorsed by Council Meeting)
- No effective Communication between Committee Members and Secretariat/Executives
- No Committee involvement in the role out of action items
- No Committee engagement
- Lack of Secretariat Support – difficult for Secretariat to minute all meetings and engage with committee effectively
- Topics discussed at Standing Committee, the same discussion at SARG, then same discussion at OM so the system is not working correctly
- Committee Meetings only meet once a quarter
- No clear topics.

The Chairs of the standing committees have identified the following matters where clarification is required:

- Committee Members and Executive Roles and Responsibility need to be clearly defined
- Councillors to understand and appreciate the role and responsibilities of the Standing Committee
- Councillors need to understand the process of reporting from Committee to SARG to Council Meeting and relationships between meetings with other committee's and administration.

The majority of the concerns are addressed in the following tables and discussion of same is invited.

Comment	Administration	Action
A regular Committee Meeting at least once a month	Monthly meetings would represent a significant workload for Committee participants. Suggest every 2 or 3 months	Council to advise proposed frequency of future meetings
Look into remuneration for Councillors to be paid sitting fee	This would exceed the remuneration schedule determined by the Remuneration Commission.	Cannot progress
Look at alternative staff within the organisation to action tasks if current staff are unable to achieve outcomes required	Agreed	This is part of a continuing quality improvement approach at TSIRC. Cascading information and upskilling staff will assist with responsiveness.
Open and honest communication to confirm if actions can be achieved and key milestones added to target	Agreed	To be discussed by Executive to ensure a shared understanding of how to communicate and represent the best interests of TSIRC
Post catch up meeting with Chair, Executive and Secretariat to review minutes and allocate action items	Good practice. Time permitting, this could occur shortly after the meeting, to ensure a shared, fresh recollection of events and recommendations	Discuss with Secretariat
Regular Communication between Committee Members and Executive Support, at least with the chair	Good practice. Perhaps consider regular catch up with relevant Executive Director on a monthly basis.	An email update or a scheduled telephone/VMR call between Chair and relevant Executive Director will inform shared understandings and better enable continued momentum of key projects

Comment	Response	Action
Create Standing Agenda Topics for each Committee so topics do not cross over committees	This is best practice. Many private sector Governance structures benefit from having an agreed list of Standing Agenda Items. Occasionally, an item may straddle two or more Committees, which requires clear communication between Chairs.	Subject to a meeting with each Chair to agree to priorities, a list can be established, then cross-referenced to ensure there is no cross-over or duplication between Committees. This can become the Standing Agenda Items for each Committee, with new or arising business added to the agenda on an “as needs” basis in consultation with the relevant Chair.
Regular Communication between Committee Members and Executive Support, at least with the chair	Good practice. Perhaps consider regular catch up with relevant Executive Director on a monthly basis.	An email update or a scheduled telephone/VMR call between Chair and relevant Executive Director will inform shared understandings and better enable continued momentum of key projects
Travel Budget to attend mini workshops with committee, sites visit to inspect works, attendance at related conferences, workshops or exhibitions		To be considered in future budget discussion
Committee Engagement at least once a fortnight or monthly	Monthly may be good practice. Communication is key to the success of Committee functionality.	Perhaps consider an email update which enables the Committee member to engage in their own time, without the need for scheduling in-person meetings.
Secretariat Support to touch base	Good practice. Capacity of Secretariat to be considered prior to implementation.	Communication protocols require that Secretariat liaise between Council and Executive. A scheduled “touch base” between Secretariat and the relevant Executive will assist with enabling enhanced communication.
Committee Members and Executive roles and responsibility to be defined	Good practice. Roles should be defined in the Terms of Reference or Standing Orders. Where this is not apparent, a resolution can serve a similar purpose, ensuring each role is assigned specific responsibilities and functions.	A revision of Terms of Reference/Standing Orders can be undertaken by the Governance Manager and gaps identified. Where necessary, resolutions may be drafted to address gaps in current governance documentation.

Links to Strategic Plans:

- Corporate Plan 2020-2025:
 - Outcome 4: We are a transparent, open and engaging Council.

Statutory Requirements:

- *Local Government Act 2009*
- *Local Government Regulation 2012*

Conclusion:

That Council **notes** the Standing Committee review.

Endorsed:



Megan Barrett
Interim Executive Director, Corporate Services

Approved:



David Baldwin
Acting Chief Executive Officer

AGENDA REPORT

ORDINARY MEETING:	December 2021
DATE:	7-8 December 2021
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Alcohol and Drug Management in the Workplace
AUTHOR:	Tracey Burrell – Manager People and Wellbeing

Recommendation:

Council resolves to note this report and supports the commencement of a process to investigate the need for an Alcohol and Drug Policy for Council.

Background:

At the September Ordinary Meeting of Council an action item arose for the Executive Director Corporate Services to investigate models used by other organisations for drug and alcohol testing of staff and provide an Agenda Report to Council.

The Fourth Principle of the TSIRC Code of Conduct states the following in regard to the use of alcohol and drugs in the workplace:

We must keep the workplace drug and alcohol free if we are to maintain the trust and confidence of customers and the health and safety of all employees. The use of drugs or alcohol adversely affects productivity, attendance and on-the-job safety.

You must not:

- *use, possess or be impaired by the effects of illegal drugs while on duty;*
- *consume alcohol while on duty or in the workplace;*
- *come to work impaired by the effects of alcohol or drugs.*

Although this provides broad guidance about the use of alcohol and drugs in the workplace, it does not provide Council with options regarding testing of employees.

Comment:

It is widely accepted that the implementation of a program of random and targeted alcohol and/or drug testing is a reasonable and legitimate employer response to the risk to safety posed by employee drug use, even if that involves some interference with employee privacy.

However, the creation and implementation of an alcohol and drug policy requires a fine balance between preventing and reducing harm in the workplace arising out of alcohol and drug use and making sure not to encroach upon an employee's freedom to do as he or she pleases outside of work hours.

An alcohol and drug policy should be based on the outcome of a risk assessment conducted in consultation with employees. A risk assessment will identify both external and internal conditions, the appropriate nature and content of the policy, and suitable strategies for implementation.

The degree of risk for workers affected by alcohol and drug use will depend on a number of factors which need consideration and could include:

- whether the workplace operates high risk machinery or handles hazardous materials or dangerous goods or is a high-risk environment such as an underground mine;
- availability at work – some workers may be more exposed to the risk of alcohol consumption at work such as working in a licensed premises for instance.

Consultation should occur to determine if an alcohol and drug policy is required. If a policy is required then it should be developed through an open, participatory process in consultation with management, employees and their representatives. Input from all at the workplace will allow for accepted goals and procedures to be developed and is crucial for policy credibility and acceptance.

This consultation should initially occur through the Joint Consultative Committee to be established under the terms of the TSIRC Certified Agreement 2021 and the Health & Safety Representatives group. A working group should be formed to specifically work on the project and provide updates to the Joint Consultative Committee, Executive and Council.

The option of an alcohol and drug testing regime needs to be considered as a potential component of the policy during the development phase and following a risk assessment. Research has been conducted into models in operation at other Queensland Councils. A summary of the information collected is provided as an attachment to this report.

The decision to adopt a testing regime should be made in consultation with employees, Health and Safety Representatives and union representatives. Testing may be an appropriate response where a risk assessment has identified that there are risks involved in undertaking certain activities while under the influence of alcohol and/or other drugs.

Any form of testing should be the least invasive and provide timely results. Breath testing for alcohol and oral fluid testing for drugs are recommended as the preferred methods of testing as they are non-invasive, discreet and quick to administer.

There are various forms of testing programs that Council could utilise and Workplace Health and Safety Queensland recommend the following:

- **Voluntary self-testing** – providing facilities for an employee to self-test at the workplace;
- **Random testing** – any worker or a select group of workers may be tested on a random day;
- **Upon reasonable belief** – a worker who shows signs of being affected by alcohol and/or drugs should be considered for testing. When an employee is suspected of being affected at work primary consideration must be given to the safety of the individual and others.
- **Testing after a workplace health and safety incident** – a worker may be required to submit to an alcohol and/or drugs test if they are involved in an incident.

Steps and proposed timeline

- Endorsement from Council to commence process (this report) – November Council meeting.
- Presentation to Joint Consultative Committee – late November 2021.
- Establishment of an alcohol and drug framework working group – by end of 2021.
- Risk assessments to be conducted in the workplace in consultation with workers and health and safety representatives, to determine if an alcohol and drug policy is required – 3 to 6 months.
- Draft alcohol and drug policy and procedure to be developed and circulated for feedback (if required) – 4 to 6 weeks to have draft prepared (aim to present draft to Council at its OM July 2022).
- If endorsed develop, implement and measure, education and awareness program – 3 to 6 months.
- Fully implemented and operational by end of 2022.

Considerations

Risk Management

There is minimal risk if an alcohol and drug policy is considered, developed and implemented by following the guidelines of the Framework for alcohol and drug management in workplace from Workplace Health and Safety Queensland. The policy will clearly state its aims and objectives. The policy will seek to mitigate risk by aiming to prevent alcohol and drug-related incidents and foster safe behaviours at work.

Council Finance

Funding may need to be identified if it is determined that the policy includes the conducting of testing. There will be costs associated with conducting and analysing alcohol and drug tests.

There may also be a need for extra human resources to work on this project to ensure it can progress and be completed in a timely manner.

Consultation:

Workplace Health and Safety Queensland – Framework for alcohol and drug management in the workplace – The State of Queensland 2019

Safety and Wellbeing Coordinator

Links to Strategic Plans:

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

Statutory Requirements:

Local Government Act 2009

Local Government Regulation 2012

Workplace Health and Safety Act 2011

Industrial Relations Act 2016 (Qld)

Conclusion:

That Council resolves on the recommendation outlined above.



Endorsee

Tracey Burrell
Manager People and Wellbeing



Approved:

David Baldwin
Acting Chief Executive Officer



Recommended

Megan Barrett
Interim Executive Director Corporate Services

Testing Programs in place at other Queensland Councils

TESTING TRIGGERS	Voluntary Self Testing	Random Testing	Upon reasonable belief	Testing after a workplace health and safety incident	Testing Methods
Fraser Coast Regional Council Drug and alcohol testing of employees under this program will be conducted in the following circumstances:	No	Yes	Yes	Yes	Any drug and alcohol testing done under this program will be conducted by an approved provider and in accordance with Australian Standards as follows: <ul style="list-style-type: none"> • Oral fluid testing for drugs • Urine testing for drugs • Breath testing for alcohol
Mapoon Aboriginal Shire Council (MASC) Circumstances in which MASC may conduct alcohol and/or drug testing. MASC may undertake alcohol and /or drug testing in the following circumstances:	Yes	Yes	Yes	Yes	In accordance with Australian Standards – “procedures for specimen collection and the detection and quantitation of drugs of abuse in urine”.
Napranum Aboriginal Shire Council (NASC) Workers must be fit for work in order to perform their duties safely and diligently. Workers will be required to participate in drug and alcohol testing	No	Yes	Yes	Yes	NASC will arrange for testing to be conducted by an appropriately qualified collector. All methods of testing will be in accordance with Australian Standards.
Rockhampton Regional Council Consistent with Council's obligation and commitment to ensuring a safe workplace, workers and Councillors may be required to undergo drug and alcohol testing in the following circumstances in accordance with the relevant Drug & Alcohol Procedure.	No	Yes	Yes	Yes	All drug testing will comprise of either a urine or saliva test. To be conducted in accordance the Australian Standards.

Voluntary Self Testing – providing facilities for a worker to self-test at the workplace.

Random Testing – any worker or a select group of workers may be tested on a random day.

Upon reasonable belief – a worker who shows signs of being affected by alcohol and/or drugs should be considered for testing. When a worker is suspected of being affected at work primary consideration must be given to the safety of the individual and of others.

Testing after a workplace health and safety incident – a worker may be required to submit to an alcohol and/or other drugs test if they are involved in an incident.



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	December 2021
DATE:	7 & 8 December 2021
ITEM:	Agenda Item for <u>Resolution</u> by Council
SUBJECT:	Award Tender No. TSIRC 2021-349 - ICCIP Project #53 – Masig Water Lagoon Cover Replacement
AUTHOR:	Daniel Harrington – Senior Project Engineer

Recommendation:

That;

Council resolves to:

- Subject to confirmation of funding extension, Award the Tender No. TSIRC 2021-349 – ICCIP Project #53 – Masig Water Lagoon Cover replacement to GDT Lining Systems Pty Ltd for an amount of up to \$1,754,066.00 excl. GST;
- 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 project and contract including without limitation any options and/or variations as per Council's procurement and ethical sourcing policy.

Purpose:

The purpose of this Agenda Report is to provide Council with a recommendation to award the Tender No. TSIRC 2020-349 – ICCIP Project #53 – Masig Water Lagoon Cover Replacement to GDT Lining Systems Pty Ltd for an amount of up to \$1,754,066.00 excl. GST.

Background:

ICCIP is a one-off funding program, administered by the Queensland Government Department of State Development, Infrastructure, Local Government and Planning (DSDLIGP), previously Queensland Government Department of Local Government, Racing and Multicultural Affairs (DLGRMA). The Grantee for the Masig Lagoon Cover is the Torres Strait Island Regional Council (TSIRC).

ICCIP Project #53 involves the supply and installation of a new polypropylene floating cover for the Masig water storage Lagoon. The existing cover is at the end of its design life and is in need of urgent replacement. This new cover is critical to provide a robust long-term solution for the storage of safe drinking water for the Masig community. The existing electrical infrastructure and pumps will be reinstalled once the cover is replaced.

Works Scope:

The general scope of works will be undertaken in the following order:

1. Finalise design of the new lagoon cover
2. Procure materials
3. Mobilisation to site
4. Remove existing cover
5. Install and secure new lagoon cover
6. Reinstall existing cover pumps.
7. Quality Assurance testing & Commissioning
8. As Constructed drawings
9. Disposal of all redundant equipment and material offsite

10. Demobilisation from site

Funding:

The ICCIP funding deadline is 30th June 2022. The GDT Lining Solutions Schedule projects a total build period of 204 days, excluding unknown delays. It is projected therefore that the project will extend past the funding period, as such a funding extension is currently being sought by TSIRC for this project. Therefore, approval of this tender at the December 2021 Council Ordinary Meeting is critical.

Note: if Council resolution is passed at the December 2021 Council Ordinary meeting a funding extension in line with the project schedule will still need to be granted before TSIRC would award Contract to GDT Lining Solutions.

Based on GDT Lining Solutions' *Alternate Tender* price there is sufficient budget allocated through ICCIP for this project.

It is to be noted that the anticipated project schedule is not inclusive of any unknown delays associated with impacts due to COVID-19. Potential impacts could be the supply of equipment, as well as site access to complete the scope of works. Any delays will be communicated to the funding body and managed by TSIRC accordingly.

Procurement Process:

In accordance with Council's procurement policy and the Local Government regulations 2012, an open tender process was initiated for Tender No TSIRC 2021-349. Table 1 below outlines the tendering process undertaken.

Description	Details
Advertising	VendorPanel Portal
Advertised Date	1 st October 2021
Tender Site Inspection	6 th October 2021
Tenders Due	5pm Wednesday 27 th October 2021
Tender Period	4 weeks
Tenders received	Two (2) conforming and one (1) non-conforming tenders were received by TSIRC.

Table 1 – Details of the tendering and procurement process

At the close of the public tender process on 27th October 2021, Council received two (2) conforming submissions from the following company:

- Pensar Building Pty Ltd
- GDT Lining Solutions Pty Ltd

The initial tender included scope for the cleaning and patch repair works to the Warraber water Lagoon Cover (ICCIP Project #72), however, due to a value for money assessment of the Warraber works following an onsite investigation, it was determined that Project #72 should now be omitted from this tender.

The condition of the existing Warraber water storage Lagoon Cover will continue to be monitored closely, and any required intervention works will be prioritised by the Engineering Team.

A value-based assessment was undertaken for the tender by:

- Daniel Harrington – Senior Project Engineer (TSIRC)
- James Rae – Civil Engineer (AECOM)
- Scott Snelling – Associate Director – Civil Infrastructure (AECOM)

The tender assessment was completed in accordance with the predefined tender evaluation criteria weighting as per the table below.

Criteria	Weighting
Value for Money	35%
Methodology & Program	12.5%
Type of Work Experience	10%
Project Experience in the Torres Strait	10%
Work in Remote Locations	7.5%
Experience of Key Staff	7.5%
WH&S	5%
Financial (Past Projects)	5%
IEOP	5%
QA & EMS	2.5%

Table 2: Evaluation Criteria

At the completion of the assessment, the evaluation panel considered the Alternate Tender from GDT Lining Solutions a value for money submission. GDT Lining Solutions' recent experience on similar water lagoon projects in the Torres Strait region favourably addressed the requirements of the project.

Indigenous Economic Opportunities Plan (IEOP):

GDT Lining Solutions have submitted compliant IEOP outlined below which exceed the core requirements specific to this tender.

Core Requirement	Requirement	GDT Proposal
Apprentice/Trainees (new entrants)	347hrs	600hrs
Other Workforce Employment/training	232hrs	1600hrs
Total Deemed Hours	579hrs	2200hrs
Local Indigenous Business Supply and/or Subcontractors	\$112,000.00	\$112,000.00

Table 3: Summary of IEOP

Considerations:

Risk Management

Schedule risk - delaying Council Resolution at the 2021 December Council Ordinary Meeting will directly impact the commissioning schedule.

Council Finance

The project is fully funded by ICCIP.

Consultation:

- Councillors as appropriate
- TSIRC Engineering Management
- Funding body
- External Consultants

Statutory Requirements:

Local Government Act 2009

Local Government Regulation 2012

Conclusion

Based on the Tender Assessment, it is recommended that Council:

- Award the Works for Alternate Tender No. TSIRC 2020-349 – ICCIP Project #53 – Masig Water Lagoon Cover to GDT Lining Systems Pty Ltd for an amount of up to \$1,754,066.00 excl. GST;
- 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 project and contract including without limitation any options and/or variations as per Council's procurement and ethical sourcing policy.



Author:

Daniel Harrington
Senior Project Engineer



Reviewed:

David Stevens
Acting Manager Capital Works



Recommended:

Adeah Kabai
Acting Executive Director – Engineering
Services



Approved

David Baldwin
Acting Chief Executive Officer



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	December 2021
DATE:	7 & 8 December 2021
ITEM:	Agenda Item for <u>Resolution</u> by Council
SUBJECT:	Award Tender No. TSIRC 2021-352 – Poruma Seawall Stage 4 – Supply of Construction Materials
AUTHOR:	David Stevens – Acting Manager Capital Works

Recommendation:

That;

Council resolves to:

- Award the Tender No. TSIRC 2021-352 – Poruma Seawall Stage 4 – Supply of Construction Materials to Geofabrics Australia for an amount of up to \$250,420.00 excl. GST;
- 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 project and contract including without limitation any options and/or variations as per Council's procurement and ethical sourcing policy.

Purpose:

The purpose of this Agenda Report is to provide Council with a recommendation to award the Tender No. TSIRC 2021-352 – Poruma Seawall Stage 4 – Supply of Construction Materials to Geofabrics Australia for an amount of up to \$250,420.00 excl. GST.

Background:

The Poruma Seawall capital works project is designed in 5 Stages, using geobags to form the coastal defence structure (seawall).

Stage 1 was completed by Council's Civil Construction Crew in late 2018, under the Torres Strait Seawalls Programme Stage 2 MIOP Capital Works Grant Agreement.

In the March 2021 Council Ordinary Meeting, Council resolved to submit an In-House Bid for Council's Civil Construction Crew to perform the construction of the Poruma Seawall, Stages 2 – 4. This In-House Bid (IHB) has since been approved by the Project Governance Committee and onsite construction is underway.

Works Scope:

Stages 2 – 5 are planned to be constructed in numerical order, with Stage 4 due to commence early 2022.

Table 1: Poruma Seawall Construction Stages

Stage	Approx Length (m)	Estimated Construction Duration
Stage 2	175	2 months
Stage 3	120	2 months
Stage 4	460	6 months
Stage 5*	300	4 months

*Note that Stage 5 is subject to final project costings.



Figure 1: Poruma Seawall Stage 2 Recently Completed

The scope of works for tender no. TSIRC 2021-352 – Poruma Seawall Stage 4 – Supply of Construction Materials is to supply geobags and geotextile for the construction of Stage 4, of which will be constructed by Council's Civil Crew.

Funding:

The Torres Strait Seawalls Programme Stage 2 is funded by State and Commonwealth Government administered by TSRA. MIOP Capital Works Grant Agreement between TSRA and TSIRC, includes for coastal defence structures at Boigu, Poruma, Masig, Warraber and Iama, with a total grant funding of \$40M.

The submitted \$5M IHB for the Poruma Seawalls has been conditionally approved. The Poruma Seawall project presents an opportunity for Council to provide significant value for money during construction, by utilising TSIRC's internal Civil Construction Crew to execute the construction works.

It is to be noted that the anticipated project schedule is not inclusive of any unknown delays associated with impacts due to COVID-19. Potential impacts could be the supply of equipment, as well as site access to complete the scope of works. Any delays will be communicated to the funding body and managed by TSIRC accordingly.

Procurement Process:

In accordance with Council's procurement policy and the Local Government regulations 2012, an open tender process was initiated for Tender No TSIRC 2021-352. The table below outlines the tendering process undertaken.

Table 2: Details of the tendering and procurement process

Description	Details
Advertising	VendorPanel
Advertised Date	22 nd October 2021
Tender Site Inspection	No site inspection was held.
Tenders Closed	5pm 19 th November 2021
Tender Period	4 weeks
Tenders received	Two (2) conforming tenders were received by TSIRC.

At the close of the public tender process on 19th November 2021, Council received two (2) conforming submissions from the following company:

- Geofabrics Australia
- Global Synthetics

A value-based assessment was undertaken for the tender by:

- David Stevens – Acting Manager Capital Works (TSIRC)
- Michael Lancini – Principal Engineer (MAL Engineers)
- Luke La Spina – Engineer (MAL Engineers)

The tender assessment was completed in accordance with the predefined tender evaluation criteria weighting as per the table below.

Table 3: Evaluation Criteria

Criteria	Weighting
Contract Price	50%
Program	30%
Quality Assurance	7.5%
Environmental Policy	5%
Local, Social and Sustainability	7.5%

At the completion of the assessment, the evaluation panel considered the tender from Geofabrics Australia a value for money submission. Both companies have previously supplied materials for the Poruma Seawall.

Based on the Geofabric Australia pricing there is sufficient project budget for the procurement of the Stage 4 construction materials (geobags and geotextile materials).

Indigenous Economic Opportunities Plan (IEOP):

Due to the tenderer supplying materials only, there is no requirement for an IEOP under this engagement. The Council Civil Crew are working under a separate Indigenous Employment Plan as per the funding agreement.

Considerations:**Risk Management**

Schedule risk - delaying Council Resolution at the 2021 December Council Ordinary Meeting will directly impact the construction program.

Council Finance

The materials are funded by the Poruma Seawalls In-House Bid, under the Torres Strait Seawalls Programme Stage 2 MIOP Capital Works Grant Agreement.

Consultation:

- TSIRC Engineering Management
- Councillors as appropriate
- Funding body
- External Consultants

Statutory Requirements:

Local Government Act 2009

Local Government Regulation 2012

Conclusion

Based on the Tender Assessment, it is recommended that Council:

- Award the Tender No. TSIRC 2021-352 – Poruma Seawall Stage 4 – Supply of Construction Materials to Geofabrics Australia for an amount of up to \$250,420.00 excl. GST;
- 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 project and contract including without limitation any options and/or variations as per Council's procurement and ethical sourcing policy.



Author:

David Stevens
Acting Manager Capital Works



Recommended:

Adeah Kabai
Acting Executive Director – Engineering
Services



Approved

David Baldwin
Acting Chief Executive Officer



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	December 2021
DATE:	7 th & 8 th December 2021
ITEM:	Agenda Item for <u>Resolution</u> by Council
SUBJECT:	Award Quotation No. RFQ-ICCIP #24 – Water and Wastewater Survey
AUTHOR:	Daniel Harrington – Senior Project Engineer

Recommendation:

That;
Council resolves to:

- Award the Quotation No. RFQ-ICCIP #24 – Water and Wastewater Survey to Veris Australia Pty Ltd for an amount of up to \$217,380 excl. GST;
- 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 project and contract including without limitation any options and/or variations as per Council's procurement and ethical sourcing policy.

Purpose:

The purpose of this Agenda Report is to provide Council with a recommendation to award the Quotation No. RFQ-ICCIP #24 – Water and Wastewater Survey to Veris Australia Pty Ltd for an amount of up to \$217,380 excl. GST.

Background:

ICCIP is a one-off funding program, administered by the Queensland Government Department of State Development, Infrastructure, Local Government and Planning (DSDLIGP), previously Queensland Government Department of Local Government, Racing and Multicultural Affairs (DLGRMA). The Grantee for the GIS Project is the Torres Strait Island Regional Council (TSIRC).

ICCIP Projects #24 involves the development of a GIS for Council. To develop an accurate and meaningful GIS system, Council require the survey of the existing water and wastewater infrastructure at various Council Divisions where As Constructed drawings and information is limited.

Works Scope:

The general scope of works will be undertaken in the following order:

1. Mobilisation to various islands
 - The islands to be surveyed as a part of this scope include:
 - Hammond
 - Mabuiag
 - Masig
 - Poruma
 - Warraber
 - Saibai
2. Undertake survey of the water and wastewater assets
3. Development of survey drawings.
4. Development of shape files for Council's GIS program
5. Demobilisation from site

Funding

The ICCIP funding deadline is 30th June 2022. Veri's program has a 120-day survey period from the start date of the commission. Pending Council Resolution in December 2021 it is anticipated that the project will be completed by April 2022, which will be in time for the funding deadline.

Based on Veri's price there is a sufficient budget allocated through ICCIP for this project. It is to be noted that the anticipated project schedule is not inclusive of any unknown delays associated with impacts due to COVID-19. Potential impacts could be the supply of equipment, as well as site access to complete the scope of works. Any delays will be communicated to the funding body and managed by TSIRC accordingly.

Procurement Process:

In accordance with Council's procurement policy and the Local Government Regulations 2012, an RFQ was issued to two (2) preferred suppliers.

The table below outlines the process undertaken for Quotation No. RFQ-ICCIP #24 – Water and Wastewater Survey. It is noted that the original quotation request did not have any responses. However, upon re-issuing the Request for Quotation Council received one (1) submission from Veris Australia Pty Ltd.

Description	Details
Advertising	Select Invite (via LG Tender Box)
Advertised Date	Thursday 2 nd September 2021
Quotation Due	Thursday 16 th September 2021
Quotation Period	2 weeks
Revised Quotation Advertised date	5 th November 2021
Revised Quotation Due Date	19 th November 2021
Quotation Period	2 weeks
Quotations received	One (1) quotation was received

Table 1: Tender Details

At the close of the Request for Quotation Period only one (1) quotation was received from Veris Australia Pty Ltd.

A value-based assessment was undertaken for the quote by:

- Daniel Harrington – Snr Project Engineer (TSIRC)
- Michael Lancini – Senior Engineer (MAL Engineers Pty Ltd)
- Luke La Spina – Engineer (MAL Engineers Pty Ltd)

At the completion of the assessment, the evaluation considered the offer from Veris to be in line with Council's expectations for the commission. Veri's previous experience on similar survey projects favourably addressed the requirements of the project.

Note: Veris Australia Pty Ltd are pre-qualified with Council as they are on the Localbuy Panel Arrangement. In accordance with Council's procurement policy and the Local Government regulations 2012, Veris Australia Pty Ltd can be engaged directly with Council Resolution for works over \$200,000.00

Considerations

Risk Management

Schedule risk - delaying Council Resolution at the at the 2021 November Council Ordinary Meeting will directly impact the commissioning schedule.

Council Finance

The project is fully funded by ICCIP.

Statutory Requirements:

Local Government Act 2009

Local Government Regulation 2012

Conclusion

Based on the Tender Assessment, it is recommended that Council:

- Award the Quotation No. RFQ-ICCIP #24 – Water and Wastewater Survey to Veris Australia Pty Ltd for an amount of up to \$217,380 excl. GST
- 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 project and contract including without limitation any options and/or variations as per Council's procurement and ethical sourcing policy.

**Author:**

Daniel Harrington
Senior Project Engineer



David Stevens
Acting Manager Capital Works

**Recommended:**

Adeah Kabai
Acting Executive Director – Engineering
Services

Approved

David Baldwin
Acting Chief Executive Officer

AGENDA REPORT

ORDINARY MEETING:	December 2021
DATE:	7 & 8 December 2021
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Development Application — Material Change of Use (Telecommunications Facility) - Lot 51 on SP271019 51L Gerainelgau, Yabu Island – Kubin, Moa Island QLD 4875
AUTHOR:	Julia Maurus, Senior Legal Officer

Recommendation:

Council resolves to issue a Development Permit for 'Material Change of Use' (Telecommunications Facility) - Lot 51 on SP271019 with the inclusion of the conditions set out in Part 9 of the Agenda Report for Gerainelgau Yabu, Kubin, Moa Island QLD 4875

Executive Summary:

Council has received an application from Telstra Corporation (Telstra) for a 'Material Change of Use' for a telecommunications tower (Telecommunication Facility) over land at Gerainelgau Yabu, Lot 51 on SP271019, Kubin, Moa Island, which requires planning approval.

The development proposal is for the following works associated with the telecommunications tower at Kubin, Moa Island:

- Construction of a new 50m high concrete telecommunications pole, including a headframe unit and an anti-climb device within the existing Telstra lease area;
- Transfer of antennas from the existing telecommunications structure on to the new telecommunications pole; and
- Removal of the existing telecommunications mast 45m high

The proposed tower will enable Telstra to provide continued level of mobile, broadband and transmission coverage for the community, government agencies and businesses.

The proposal involves "Material Change of Use", which under the Planning Act 2016 requires Council as the Assessment Manager to issue a formal Development Permit.

The applicant carried out public notification occurred from 28 September to 21 October 2021. There were no submissions received by Council in response to the public notification process.

There are no planning issues and the application is recommended for approval.

LOCALITY PLAN



Site



Plate 1: Photograph of Concrete Monopole (Example 1)

Comment:

1. PLANNING ACT 2016

State Planning Policies

The State Planning Policies of Mining and Extractive Resources, Water Quality, Biodiversity, Cultural Heritage, Emissions and Hazardous Activities, Natural Hazards, Risk and Resilience, Transport Infrastructure and Strategic Airports and Aviation Facilities are not applicable to the application.

2. REFERRAL AGENCY

The application was not required to be referred to the State Assessment and Referral Agency (SARA).

3. ZENADTH KES TOWN PLANNING SCHEME 2016

The proposed development is reflected below:

Strategic	Township
Zone	Township
Local Plan	Kubin, Moa Island
Environmental Values	Low Environmental Value area;
Potential Acid Sulphate Soils	Yes, land above 5m and below 20m AHD
Landslide Risk	No
Bushfire Risk	No
Coastal Management District	No
Erosion Prone Area	No
Storm Tide Inundation	No
Flood Hazard Area	No

Within the TSIRC Zenadth Kes Planning Scheme, the proposed development is located within the Township Zone and is subject to Code Assessment. The proposed development has been assessed against the applicable Codes:

- Township zone code
- Kubin, Moa Island Local Plan Code
- Infrastructure Works Code
- Water Quality and Acid Sulfate Soils Code

The subject site is zoned for urban purposes and minimises impacts upon areas identified as having Environmental Value.

4. ENGINEERING

No additional utility services will be required or this facility. Electricity (Overhead) is connected for the existing facility.

The applicant has confirmed that the Council's existing water and sewer infrastructure will not be affected by the proposed development.

- *A site visit by Telstra's Contractor and Council's Infrastructure Manager identified that the watermain is located in the middle of the adjacent road, and not located within the lot.*
- *Prior to development and any excavations commencing, Telstra's Contractor will also engage a service locator.*
- *The position of the sewer was identified during the site visit with Council's Infrastructure Manager, with Telstra's Contractor confirming that the proposed location of the tower slab will not affect this existing infrastructure.*
- *The proposed Telecommunications Facility (tower) is a 50m high SR6-BM50-540 Concrete Monopole, manufactured by Rocla*

The proposed facility will have access to the road. New roadworks will not be required.

5. PLANNING ISSUES

The proposed Material Change of Use requires planning approval.

The subject site is suitable for the proposed development, which will provide for ongoing provision of telecommunications service to communities within Torres Strait. The proposal has been adequately designed to the size and configuration of the leasehold area.

6. OWNERS CONSENT

The Trustee passed a resolution in June 2021 consenting to the development application:

10. 10:11am – 10:15am LEGAL – Kubin – Landowner's consent to make DA – Telstra
Senior Legal Counsel, Mr Peter Krebs spoke to the report.

RESOLUTION:

Moved: Cr Trinkoon; *Second:* Cr Levi

That Council agrees for Telstra to make a Development Application for "Material Change of Use (code)" for the upgrade of the Telecommunications Tower – Kubin and agrees for the Chief Executive Officer to sign the owner's consent form.

MOTION CARRIED

Telstra has an existing registered lease in place (Lease 717120988) for this site and the proposed works are consistent with the existing lease, providing a development permit is issued.

7. NATIVE TITLE

Telstra and the Mualgal (Torres Strait Islanders) Corporation have previously entered into an Indigenous Land Use Agreement for Telstra sites and works on Moa Island (ILUA QI2001/005 Telstra and Moa Island ILUA registered on 23/01/2002).

8. PUBLIC NOTIFICATION

In accordance with the requirements of Section 53 of the *Planning Act 2016* and Section 17 of the Development Assessment Rules, the applicant carried out public notification occurred from 28 September to 21 October 2021.

There were no submissions received by Council in response to the public notification process.

9. RECOMMENDATIONS

Based on the above, the recommendation is as follows:

That Council issue a Development Permit for 'Material Change of Use' with the inclusion of the following conditions:

Approved Plans

1. The proposed development is to be undertaken in accordance with the following approved drawings

<i>Plan/Document Number</i>	<i>Plan/Document Name</i>	<i>Date</i>
Drawing No. Q109793	Telecommunications Site – 57028 Kubin Village R/T – Site Access Gerainelgau Yabu, Kubin, Moa Island	21/04/2021
Drawing No. Q109793	Telecommunications Site – 57028 Kubin Village R/T – Site Layout Gerainelgau Yabu, Kubin, Moa Island	21/04/2021

Drawing No. Q109793	Telecommunications Site – 57028 Kubin Village R/T – North East Elevation Gerainelgau Yabu, Kubin, Moa Island	21/04/2021
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subject to any alterations:

- a) found necessary by Chief Executive Officer at the time of examination of drawings or during construction of the works because of particular financial, engineering or cultural requirements and to ensure the works comply in all respects with the requirements of FNQROC Development Manual and good engineering practice; and
 - b) to comply with project specific conditions
2. All works must be carried out in accordance with the approved plans, conditions and specifications, to the requirements and satisfaction of the Chief Executive Officer.
 3. Council's examination of the documents should not be taken to mean that the documents have been checked in detail and Council takes no responsibility for their accuracy. If during construction, inadequacies of the design are discovered, it is the responsibilities of the Consulting Engineers to resubmit amended plans to Council for Approval and rectify works accordingly.
 4. Notwithstanding any approval given to engineering documents, where a discrepancy occurs between these documents and Council's standards, then Council's standards shall apply. All works must be performed in accordance with Council standards and Local Laws and other statutory requirements, unless specifically listed in the project specific conditions.
 5. In in fact there are errors, omissions of insufficient detail on the plans for the purpose of construction, these deficiencies shall be made good during construction and Council reserves the right to withhold approval of construction until such deficiencies are made good to its satisfaction.

Potential Damage

6. Any existing Council infrastructure or private property (including but not limited to, services, kerb, concrete structures, pits, channel, pavement, footpath, RCP, RCBC, etc.) damaged due to the proposed works is to be rectified or replaced at the applicant's expense prior to the commencement of use. The applicant must notify Council immediately of the affected infrastructure.
7. Prior to development and any excavations commencing the applicant must engage a service locator.

Services

8. The applicant is responsible for the cost of any alteration to public utilities as a result of complying with conditions of this Development Permit.

Hours of Operation

9. All construction works shall be undertaken generally within the following hours of operation, unless alternative arrangements are approved by the Executive Director Engineering Services or CEO:
 - Mon – Friday 8.30am to 5pm

Erosion and Sedimentation

10. The applicant, or its contractor, are required to ensure that sediment and erosion control measures implemented on the site meet best practice guidelines to mitigate any adverse impacts to surrounding properties.

Commercial and construction waste (including demolition materials)

11. Demolition materials, commercial or construction waste must be disposed of by transportation off site to appropriate facilities outside the local government area.
12. No demolition materials, commercial or construction waste are permitted to be disposed in the local government area, including within the local government's waste management facilities, without the prior written approval of the CEO or delegate.
13. The applicant, or its contractor, is not permitted to transfer ownership of demolition materials, commercial or construction waste to another person located in the local government area, without the prior written approval of the CEO or delegate.

Cultural Heritage

14. Torres Strait Islander cultural heritage is protected under the *Torres Strait Islander Cultural Heritage Act 2003*. This Act establishes a cultural heritage duty of care and in section 23(1) mandates that a person who carries out an activity must take all reasonable and practicable measures for ensuring activities are managed to avoid or minimise harm to Torres Strait Islander cultural heritage. The Duty of Care Guidelines gazetted pursuant to the *Aboriginal Cultural Heritage Act 2003* provide guidance on identifying and protecting cultural heritage to fulfil the duty of care.

Currency

15. This approval is valid for six (6) years.

Attachments:

1. Approved Plans

- Attach 1- Location Plan – Site Access
- Attach 2 – Proposed Building Plans

Considerations

Risk Management

Assessed by RPS (planning consultant) and Senior Legal Officer as compliant.

Reputational

Nil

Council Finance

Planning assessment covered in existing Legal Services budget

Consultation:

- Telstra
- RPS (Ian Doust), planning consultant
- Cr Lama Trinkoon
- Applicant with Ted Mosby, Divisional Engineering Officer, Kubin
- The applicant carried out public notification from 28 September to 21 October 2021.
- There were no submissions received by Council in response to the public notification process.

Links to Strategic Plans:

TSIRC Corporate Plan 2020–2025

Delivery Pillar: Sustainability

Outcome 5: We plan effectively for the future of our individual communities and region.

- 5.1 Ensure a clear and transparent Town and Master Planning process.
- 5.4 Telecommunications planning and advocacy.

Statutory Requirements:

Local Government Act 2009

Local Government Regulation 2012

Planning Act 2016

Conclusion:

That Council resolve to issue to Telstra Corporation Ltd a Development Permit for 'Material Change of Use' (Telecommunications Facility) - Lot 51 on SP271019 with the inclusion of the conditions set out in Part 8 of the Agenda Report for Gerainelgau Yabu, Kubin, Moa Island QLD 4875.

**Recommended:**

Peter Krebs

Manager Legal Services

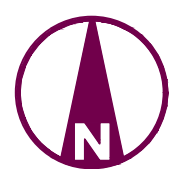
**Endorsed:**

David Baldwin

Acting Chief Executive Officer



LOCALITY
NOT TO SCALE



DA05-21-06(1) Telstra Kubin Tower
Location Plan



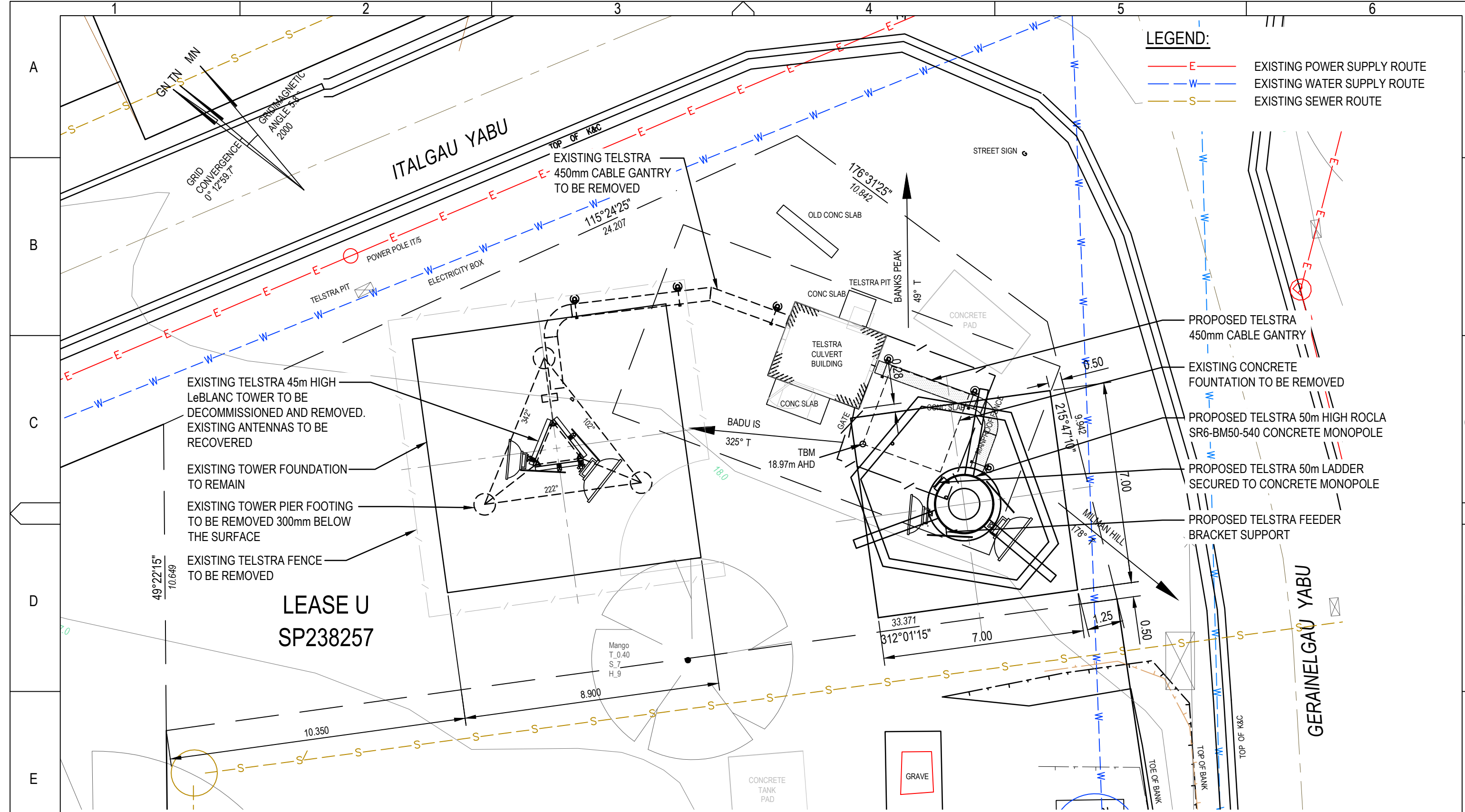
PRELIMINARY plan

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PRELIMINARY - FOR DISCUSSION PURPOSES ONLY

Datum: MGA94 Z55 | Scale: 1:200 @ A3 | Date: 26-5-2021 | Drawing: 10358-77



LEGEND:

- E — EXISTING POWER SUPPLY ROUTE
- W — EXISTING WATER SUPPLY ROUTE
- S — EXISTING SEWER ROUTE

EXISTING TELSTRA 45m HIGH
LeBLANC TOWER TO BE
DECOMMISSIONED AND REMOVED.
EXISTING ANTENNAS TO BE
RECOVERED

EXISTING TOWER FOUNDATION
TO REMAIN

EXISTING TOWER PIER FOOTING
TO BE REMOVED 300mm BELOW
THE SURFACE

EXISTING TELSTRA FENCE
TO BE REMOVED

**LEASE U
SP238257**

SITE LAYOUT

PRELIMINARY

Telstra Wireless Operations Template - 017869P02 issue 9 May 2010

DO NOT
SCALE

F

PROPERTY DESCRIPTION

PART OF LOT 5 ON TS158
PROPOSED LEASE U ON
SP238257
PARISH OF DUNCAN
COUNTY OF TORRES

SITE STRUCTURE CO-ORDINATES UN-SURVEYED. ACCURACY: ±0.5m CENTRE OF STRUCTURE (GDA94 / MGA94 Zn 54)			
STRUCTURE 2 (NEW)	LAT.(S) LONG.(E)	10.23502653(GDA94) 142.2187033(GDA94)	633,476.8(MGA94) 8,868,349.7(MGA94)

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
10/708	GDW	GDW	PROPOSED GANTRY ADDED	GGG	GDW	22.12.10	5
11/550	GDW	GGG	AS BUILT UPDATE	GGG	GDW	22.09.11	6
11/740	GDW	GGG	AS BUILT AMENDMENTS	GGG	GDW	19.12.11	7
11/740	DEG	DEG	RENUMBER SHEET FROM S2 TO S1-1	DEG	DEG	21.04.21	8
-	VPL	BS	PROPOSED MONOPOLE ADDED AND EXISTING LeBLANC TOWER REMOVED	-	-	21.04.21	9

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**TELECOMMUNICATIONS SITE - 57028
KUBIN VILLAGE R/T**

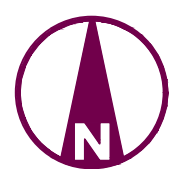
SITE LAYOUT
GERAINELGAU-YABU ST, KUBIN, MOA ISLAND

DWG NO.	Q109793	SHT NO.	S1-1 INDEX
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Cad file: Q109793.DWG



LOCALITY
NOT TO SCALE



DA05-21-06(1) Telstra Kubin Tower
Location Plan



PRELIMINARY - FOR DISCUSSION PURPOSES ONLY

PRELIMINARY plan

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Datum: MGA94 Z55 | Scale: 1:200 @ A3 | Date: 26-5-2021 | Drawing: 10358-77

TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

MEETING: Ordinary Meeting

DATE: 7-8 December 2021

ITEM: Proposed Ordinary Meeting dates for 2022

SUBJECT: OCEO

AUTHOR: Peter Krebs, Manager Legal Services

RECOMMENDATION:

1. That Council endorse the following dates and venue as **Council's Ordinary meeting** dates for 2022;

Month 2020	Date	Venue/ Division
January	18-19	Video Conference
February	15-16	Video Conference
March	22-23	F2F -
April Easter 15-18 th	20-21 Wed - Thur	Video Conference
May	16-17	F2F – Cairns
June	28-29	Video Conference
July	19-20	F2F -
August	16-17	Video Conference
September	20-21	F2F -
October	18-19	Video Conference
November	14-15	F2F - Cairns
December	13-14	F2F -

2. That Council endorse the following dates held via video conference as the ordinary meeting dates for its **Standing Committees** for 2022:

Standing Committee	Meeting dates/times/via video conference
SARG	Tuesday 11 th January 2022 1pm – 4pm
	Tuesday 1 st February 2022 1pm – 4pm
	Tuesday 1 st March 2022 1pm – 4pm
	Tuesday 5 th April 2022 1pm – 4pm
	Tuesday 3 rd May 2022 1pm – 4pm
	Tuesday 14 th June 2022 1pm – 4pm
	Tuesday 5 th July 2022 1pm – 4pm
	Tuesday 2 nd August 2022 1pm – 4pm
	Tuesday 6 th September 2021 1pm – 4pm
	Tuesday 4 th October 2022 1pm – 4pm
	Tuesday 1 st November 2022 1pm – 4pm
	Tuesday 29 th November 2022 1pm – 4pm
Governance and Leadership Committee	Monday 28 th February 2022 10am – 12pm
	Monday 23 rd May 2022 10am – 12pm
	Monday 29 th August 2022 10am – 12pm
	Monday 28 th November 2022 10am – 12pm
Housing and Safe and Healthy Communities Committee	Thursday 3 rd February 2022 10am – 12pm
	Thursday 2 nd June 2022 10am – 12pm
	Thursday 8 th September 2022 10am – 12pm
	Thursday 1 st December 2022 10am – 12pm
Climate Change Adaptation and Environment Committee	Wednesday 23 rd March 2022 10am – 12pm
	Wednesday 25 th June 2022 10am – 12pm
	Wednesday 28 th September 2022 10am – 12pm
	Wednesday 30 th November 2022 10am – 12pm
Economic Growth Committee	Thursday 27 th January 2022 10am – 12pm
	Thursday 28 th April 2022 10am – 12pm
	Thursday 28 th July 2022 10am – 12pm
	Thursday 27 th October 2022 10am – 12pm
Cultural, Arts, Land and Heritage Committee	Friday 25 th February 2022 10am – 12pm
	Friday 27 th May 2022 10am – 12pm
	Friday 26 th August 2022 10am – 12pm
	Friday 28 th October 2022 10am – 12pm

PURPOSE

The purpose of this report is to allow Council to consider and discuss the proposed dates and venues for its ordinary meetings for the year 2022.

BACKGROUND:

Council must meet at least once in each month (if Council wanted to meet less frequently, this would have to be approved by Ministerial variation). (LGR s 257)

Council is required to publish, at least one in each year, a notice of the days and times when:

- (a) its ordinary meetings will be held; and
- (b) the ordinary meetings of its standing committees will be held.

(LGR s 254B)

The notice must be displayed at Council's public offices and published on Council's website. **If meeting days and times are changed, Council must as soon as practicable notify of the change in the same way. (LGR s 254B)**

All Council meetings are to be held at one of Council's public offices, though Council can resolve to fix another venue for a particular Council meeting. (LGR s 257) Therefore, Council can by resolution decide to hold an ordinary meeting or committee meeting virtually. There is no requirement that the hour at which a meeting is held fall within the Council's ordinary business hours.

There are particular regulatory provisions that apply during the COVID-19 pandemic, until the "COVID-19 legislation expiry date" (currently defined as 30 April 2022, unless an earlier date is prescribed): for virtual meetings, Council must ensure the meeting is available for real-time viewing or listening by the public at one of Council's public offices or on Council's website.

The relevant regulatory provisions are included below, for reference:

Local Government Regulation 2012 (Qld)

Section 254B

Public notice of meetings

(1)A local government must, at least once in each year, publish a notice of the days and times when—

(a)its ordinary meetings will be held; and

(b)the ordinary meetings of its standing committees will be held.

(2)The notice mentioned in subsection (1) must be published on the local government's website, and in other ways the local government considers appropriate.

(3)A local government must display in a conspicuous place in its public office a notice of the days and times when—

(a)its meetings will be held; and

(b)meetings of its committees will be held.

(4)A local government must, as soon as practicable, notify any change to the days and times mentioned in subsection (1) or (3) in the same way as the days and times were previously notified.

Section 257

Frequency and place of meetings

(1)A local government must meet at least once in each month.

(2)However, the Minister may, after written application by a local government, vary the requirement under subsection (1) for the local government.

(3)All meetings of a local government are to be held—

(a)at 1 of the local government's public offices; or

(b)for a particular meeting—at another place fixed by the local government, by resolution, for the meeting.

Section 254K

Participating in meetings by audio link or audio visual link

(1)A local government may allow a person to take part in a meeting of the local government by audio link or audio visual link.

(2)A committee of a local government may allow a person to take part in a meeting of the committee by audio link or audio visual link.

(3)A councillor or committee member who takes part in a local government meeting under subsection (1) or (2) is taken to be present at the meeting if the councillor or member was simultaneously in audio contact with each other person at the meeting.

The follow regulations relating to audio link and audio visual link meetings apply during the COVID-19 pandemic, until the "COVID-19 legislation expiry date" (currently defined in the COVID-19 Emergency Response Act 2020 as 30 April 2022, unless an earlier date is prescribed):

Division 4

Additional provisions for local government and committee meetings

Section 277A

What this division is about

This division provides additional provisions for local government meetings to minimise serious risks to the health and safety of persons caused by the public health emergency involving COVID–19.

Section 277B

Meetings held by audio link or audio visual link

(1)A local government or a committee of a local government may hold a meeting of the local government or committee by audio link or audio visual link.

(2)A councillor taking part in a meeting under subsection (1) is taken to be present at the meeting.

(3) This section applies despite section 257(3).

Section 277C

Participating in meeting by audio link or audio visual link

(1) The chairperson of a local government meeting may allow a person to take part in the meeting by audio link or audio visual link.

(2) A councillor taking part in a meeting under subsection (1) is taken to be present at the meeting.

(3) This section does not affect, and is not affected by, the operation of section 254K.

Section 277D

Public availability of meetings held or participated in by audio link or audio visual link

(1) This section applies if—

(a) a local government meeting is held by audio link or audio visual link; or

(b) a person takes part in a local government meeting by audio link or audio visual link.

(2) The local government must ensure the meeting is available for real-time viewing or listening by the public at 1 of the local government's public offices or on the local government's website.

(3) This section does not apply if the meeting is to be closed under section 254J or 277E.

Section 277E

Public access to particular meetings

(1) This section applies if the chairperson of a local government meeting is satisfied it is not practicable for the public to attend the meeting because of health and safety reasons associated with the public health emergency involving COVID-19.

(2) The chairperson of the meeting may decide, by notice published on the local government's website, that the meeting be closed to the public.

(3) This section applies despite sections 254I and 254J.

Section 277F

Expiry

This division expires on the COVID-19 legislation expiry day.

In the current fiscal period 2021/2022, Council will hold six (6) face to face Council Ordinary meetings. Council's budget for this period is for six face to face and six video conferences.

Considerations

Risk Management

Statutory compliance

Council Finance

2021/2022 and 2022 / 2023 Budget

In the current fiscal period 2021/2022 and 2022/2023, Council will hold six (6) face to face meetings. Council's budget for this period is for six face to face and six video conferences.

Consultation

- Office of the CEO
- Mayor
- Chief Executive officer
- Executive Team
- Legal Services

Links to Strategic Plans

TSIRC Corporate Plan 2020–2025

Delivery Pillar: People

Outcome 4: We are a transparent, open and engaging council.

Delivery Pillar: Sustainability

Outcome 8: We manage council affairs responsibly for the benefit of our communities

Statutory Requirements

Local Government Act 2009

Local Government Regulation 2012

Conclusion

As presented



Peter Krebs
Manager Legal Services



Endorsed:
Megan Barrett
Interim Executive Director, Corporate Services



Approved:
David Baldwin
Acting Chief Executive Officer

AGENDA REPORT

MEETING:	December Ordinary Meeting
DATE:	7 December 2021
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Delegations Update: <i>Building Regulation 2021</i>
AUTHOR:	Julia Maurus, Senior Legal Officer

Recommendation:

That pursuant to section 257 of the *Local Government Act 2009*, Council delegate to the Chief Executive Officer the exercise of powers under the *Building Regulation 2021* (Qld) (BUIR), and these powers must be exercised subject to Ailan Kastom and any limitations contained in Schedule 2 of the attached Instrument of Delegation.

Executive Summary:

This report presents statutory powers under the *Building Regulation 2021* to Council for endorsement of Council delegations to the CEO.

The *Building Regulation 2021* (Qld) (BUIR 2021) replaces the *Building Regulation 2006* (Qld) (BUIR 2006) which expired on 31 August 2021. The *Building Regulation 2021* commenced on 1 September 2021. Powers were previously delegated to the CEO under the *Building Regulation 2006* on 19 March 2019.

MacDonnells Law has advised that the BUIR 2021 generally preserves the matters prescribed through the BUIR 2006 with some minor changes including the following:

1. increase the maximum penalty for giving false or misleading documents/certificates from 20 penalty units to 100 penalty units, to strengthen the certification inspection framework;
2. enhance the integrity of documents relied on by the certifier to certify a building meets all the necessary requirements by aligning the level of accountability with the seriousness of the offence;
3. separating one offence provision for record keeping into two to improve compliance;
4. restate the delegated legislated powers for a local government to manage any fire prone areas, areas with flood risks and simple building work in their local areas that are remote; and
5. general administrative matters include renumbering of sections, reordering of some parts to improve usability and drafting style updates etc.

This law reform requires a new Instrument of Delegations.

The Governance and Leadership Standing Committee endorsed the proposed delegations for the *Building Regulation 2021* (Qld) (BUIR) on 10 November 2021.

Background:

Delegation of statutory power from Council to CEO

1. The powers of Local Government are exercised through its officers, with the principal officer being the Chief Executive Officer. Instruments of Delegation allow certain Local

Government powers to be exercised by appropriately qualified local government employees to ensure operational efficiency.

2. Council may only exercise those powers delegated to it by State legislation. The Chief Executive Officer may only exercise those powers given to him directly or delegated to him by Council. Local Government employees may only exercise those powers delegated to them by the Chief Executive Officer.
3. An update of Instruments of Delegations must occur regularly (at least annually) to ensure exercise of powers according to law.
4. As part of its retainer arrangement with MacDonnells Law, TSIRC subscribes to a monthly delegations update service provided by MacDonnells Law. This service allows new and amended statutory powers to be presented to Council on a monthly basis for adoption, to ensure that TSIRC's delegations instruments are always up-to-date.
5. Following Council resolution at the February 2021 Ordinary Meeting, all local government delegations and trustee delegations were brought up-to-date to meet legislative changes as advised through the MacDonnells Law subscription service.
6. The individual instruments of delegation have been updated to reflect Council resolutions to date and have been uploaded to Council's intranet for staff reference.
7. Council has directed Legal Services to put proposed delegations updates through the Governance and Leadership Standing Committee prior to tabling them with Council, whilst ensuring statutory compliance.

Status of sub-delegations (CEO to employee or contractor) and appointment of authorised persons

8. An Instrument of Delegations from CEO to COO was approved by CEO on 21 November 2018 because a review was required following Council's corporate restructure.
9. The current Instrument of Delegations of CEO 2018 was approved by the CEO on 22 August 2019 and includes powers sub-delegated to appropriately qualified local government employees.
10. The sub-delegations register requires updating, both to reflect legislative changes and to reflect changes to Council's corporate structure. Council adoption is not required for sub-delegations.
11. The Senior Legal Officer has reviewed the statutory delegation instruments with the Interim ED Corporate Services against the new (FY21/22) corporate structure and it is proposed that the CEO subdelegate as follows:
 - a. Subdelegate to the ED Engineering matters relating to plumbing and drainage, water supply and regulation, transport, road use management and heavy vehicles.
 - b. Subdelegate to the ED Corporate matters relating to planning, public records, Queensland Heritage, complaints (except CCC matters), Right to Information and Information Privacy.
 - c. Subdelegate to the ED Engineer AND/OR ED Community & Building matters relating to coastal protection and management, environmental protection, waste reduction and recycling.
 - d. Subdelegate to the ED Community & Building matters relating to housing regulation, residential tenancies, building industry, animal care and protection, biosecurity, food safety, public health, state penalties enforcement registry, liquor and tobacco and other smoking products.
 - e. Do not subdelegate matters relating to cultural heritage, acquisition of land, mineral resources, land interests and land titles, disaster management, fire and emergency

services, industrial relations, work health and safety, CCC complaints and public interest disclosures (whistle-blowing).

- f. For the statutory powers under the *Local Government Act* and *Local Government Regulation*:
 - i. complaints management: subdelegate to ED Corporate (except CCC matters, which will not be subdelegated)
 - ii. roads and infrastructure, drainage: subdelegate to ED Engineering
 - iii. rates and charges, financial accounting, community grants, lost and stolen property procedure: subdelegate to ED Finance
 - iv. land record: subdelegate to ED Finance (because Assets manages the land record and Assets team falls in Finance)
 - v. employee matters: subdelegate to ED Corporate
 - vi. enforcement, local laws and investigations: ED Community & Building
 - vii. legal representation: subdelegate to ED Corporate, Manager Legal Services, Senior Legal Officer, and (for Housing matters) ED Community & Building and Manager Housing
 - viii. tenders and contracting procedures: subdelegate to ED Finance
 - ix. signing a document on Council's behalf: subdelegate to all EDs, plus functional managers within their delegated areas of responsibility and financial delegations
12. Updated sub-delegations instruments are currently being prepared for review by the A/CEO.
13. Authorised Persons have been appointed under the *Local Government Act 2009* following training undertaken in 2020 and 2021.

Comment:

14. The *Building Regulation 2021* (Qld) (BUIR 2021) replaces the *Building Regulation 2006* (Qld) (BUIR 2006) which expired on 31 August 2021. The *Building Regulation 2021* commenced on 1 September 2021. Powers were previously delegated to the CEO under the *Building Regulation 2006* on 19 March 2019.
15. MacDonnells Law has advised that the BUIR 2021 generally preserves the matters prescribed through the BUIR 2006 with some minor changes including the following:
 - a. increase the maximum penalty for giving false or misleading documents/certificates from 20 penalty units to 100 penalty units, to strengthen the certification inspection framework;
 - b. enhance the integrity of documents relied on by the certifier to certify a building meets all the necessary requirements by aligning the level of accountability with the seriousness of the offence;
 - c. separating one offence provision for record keeping into two to improve compliance;
 - d. restate the delegated legislated powers for a local government to manage any fire prone areas, areas with flood risks and simple building work in their local areas that are remote; and
 - e. general administrative matters include renumbering of sections, reordering of some parts to improve usability and drafting style updates etc.
16. This law reform requires a new Instrument of Delegations.
17. The proposed updated Instrument of Delegation is included as **Attachment 1**.
18. The proposed delegations have been reviewed by Manager Legal Services as per the usual practice:
 - a. Powers that Council previously declined to delegate have not been recommended for delegation.
 - b. Powers that MacDonnells Law recommends not be delegated have not been recommended for delegation.

- c. Powers not recommended for delegation are marked “N/A” in the delegations document.
 - d. All conditions included in previous delegations have been carried over.
 - e. Conditions imposed on all delegations have been updated to state that whilst exercising a power, the delegate must (not “may”) take into account Ailan Kastom. Ailan Kastom is defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld). Section 9(3) of the *Local Government Act 2009* states “may take into account” and therefore makes this discretionary; however, Council instructed that the delegate must take Ailan Kastom into account.
19. For continued operational efficiency and statutory compliance in all Departments, the delegations update should be submitted to Council for adoption.
20. The new Instrument of Delegations is recommended for the Committee’s endorsement. It will then be put to Council for endorsement.
21. There are no trustee powers in the proposed Instrument of Delegations.

Considerations

Risk Management

MacDonnells Law has identified a significant risk of non-compliance if Council’s delegations are not updated. This is because without up-to-date delegations, the CEO and Council staff are more likely to make decisions without the necessary delegated authority; those decisions are invalid and could be challenged.

For continued operational efficiency and statutory compliance in all Departments, the delegations update should be submitted to Council for adoption.

Council Finance

No finance implications.

Consultation:

- MacDonnells Law
- Chief Executive Officer
- Governance & Leadership Standing Committee
- Audit Committee

Links to Strategic Plans:

TSIRC Corporate Plan 2020–2025

Delivery Pillar: People

Outcome 4: We are a transparent, open and engaging council.

Delivery Pillar: Sustainability

Outcome 8: We manage council affairs responsibly for the benefit of our communities

Statutory Requirements:

Local Government Act 2009

Local Government Regulation 2012

Environmental Protection Regulation 2019

Torres Strait Islander Land Act 1991

Meaning of “Ailan Kastom”/Island custom

Ailan Kastom is defined in the *Torres Strait Islander Land Act*, section 6, which is pasted below.

Torres Strait Islander Land Act 1991

Section 6

Meaning of Island custom

Island custom, known in the Torres Strait as Ailan Kastom, is the body of customs, traditions, observances and beliefs of Torres Strait Islanders generally or of a particular group of Torres Strait Islanders, and includes any such customs, traditions, observances and beliefs relating to particular persons, areas, objects or relationships.

The Audit Committee raised a query: *What is the effect of Ailan Kastom on delegations?*

Manager Legal Services advised as follows:

Each delegate is required to take into account Ailan Kastom when exercising statutory powers. Many delegates have a limited understanding of traditional island law and custom (sometimes limited to the cultural awareness training that is delivered as part of employee induction). In practice, I think the requirement is for delegates to be aware of the cultural context of their decision-making and to seek guidance when the proposed exercise of statutory power may relate to Ailan Kastom. For example, Council specifically queried delegations relating to controlling beach access. If the delegate proposed to close access to a beach (or for that matter take any action relating to control over land), taking into account Ailan Kastom would mean that the delegate would need to communicate (at minimum, in an emergency situation) or consult with the Councillor to ensure that the proposed exercise of statutory power takes into account Ailan Kastom.

Conclusion:

That pursuant to section 257 of the *Local Government Act 2009*, Council delegate to the Chief Executive Officer the exercise of powers under the *Building Regulation 2021* (Qld) (BUIR 2021), and these powers must be exercised subject to Ailan Kastom and any limitations contained in Schedule 2 of the attached Instrument of Delegation.



Recommended:

Peter Krebs
Manager Legal Services



Endorsed:

David Baldwin
Acting Chief Executive Officer



Endorsed:

Megan Barrett
Interim Executive Director, Corporate Services

AGENDA REPORT

MEETING:	December Ordinary Meeting
DATE:	7 December 2021
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Delegations Update: <i>Building Regulation 2021</i>
AUTHOR:	Julia Maurus, Senior Legal Officer

Recommendation:

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Considerations

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Council Finance

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Consultation:

- MacDonnells Law
- Chief Executive Officer
- Governance & Leadership Standing Committee
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Links to Strategic Plans:

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Conclusion:

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Recommended:

Peter Krebs
Manager Legal Services



Endorsed:

Megan Barrett
Interim Executive Director, Corporate Services

Endorsed:

David Baldwin
Acting Chief Executive Officer

AGENDA REPORT

MEETING:	December Ordinary Meeting
DATE:	7 December 2021
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Delegations Update: <i>Building Regulation 2021</i>
AUTHOR:	Julia Maurus, Senior Legal Officer

Recommendation:

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 - c. Subdelegate to the ED Engineer AND/OR ED Community & Building matters relating to coastal protection and management, environmental protection, waste reduction and recycling.
 - d. Subdelegate to the ED Community & Building matters relating to housing regulation, residential tenancies, building industry, animal care and protection, biosecurity, food safety, public health, state penalties enforcement registry, liquor and tobacco and other smoking products.
 - e. Do not subdelegate matters relating to cultural heritage, acquisition of land, mineral resources, land interests and land titles, disaster management, fire and emergency

services, industrial relations, work health and safety, CCC complaints and public interest disclosures (whistle-blowing).

- f. For the statutory powers under the *Local Government Act* and *Local Government Regulation*:
 - i. complaints management: subdelegate to ED Corporate (except CCC matters, which will not be subdelegated)
 - ii. roads and infrastructure, drainage: subdelegate to ED Engineering
 - iii. rates and charges, financial accounting, community grants, lost and stolen property procedure: subdelegate to ED Finance
 - iv. land record: subdelegate to ED Finance (because Assets manages the land record and Assets team falls in Finance)
 - v. employee matters: subdelegate to ED Corporate
 - vi. enforcement, local laws and investigations: ED Community & Building
 - vii. legal representation: subdelegate to ED Corporate, Manager Legal Services, Senior Legal Officer, and (for Housing matters) ED Community & Building and Manager Housing
 - viii. tenders and contracting procedures: subdelegate to ED Finance
 - ix. signing a document on Council's behalf: subdelegate to all EDs, plus functional managers within their delegated areas of responsibility and financial delegations
12. Updated sub-delegations instruments are currently being prepared for review by the A/CEO.
13. Authorised Persons have been appointed under the *Local Government Act 2009* following training undertaken in 2020 and 2021.

Comment:

14. The *Building Regulation 2021* (Qld) (BUIR 2021) replaces the *Building Regulation 2006* (Qld) (BUIR 2006) which expired on 31 August 2021. The *Building Regulation 2021* commenced on 1 September 2021. Powers were previously delegated to the CEO under the *Building Regulation 2006* on 19 March 2019.
15. MacDonnells Law has advised that the BUIR 2021 generally preserves the matters prescribed through the BUIR 2006 with some minor changes including the following:
 - a. increase the maximum penalty for giving false or misleading documents/certificates from 20 penalty units to 100 penalty units, to strengthen the certification inspection framework;
 - b. enhance the integrity of documents relied on by the certifier to certify a building meets all the necessary requirements by aligning the level of accountability with the seriousness of the offence;
 - c. separating one offence provision for record keeping into two to improve compliance;
 - d. restate the delegated legislated powers for a local government to manage any fire prone areas, areas with flood risks and simple building work in their local areas that are remote; and
 - e. general administrative matters include renumbering of sections, reordering of some parts to improve usability and drafting style updates etc.
16. This law reform requires a new Instrument of Delegations.
17. The proposed updated Instrument of Delegation is included as **Attachment 1**.
18. The proposed delegations have been reviewed by Manager Legal Services as per the usual practice:
 - a. Powers that Council previously declined to delegate have not been recommended for delegation.
 - b. Powers that MacDonnells Law recommends not be delegated have not been recommended for delegation.

- c. Powers not recommended for delegation are marked “N/A” in the delegations document.
 - d. All conditions included in previous delegations have been carried over.
 - e. Conditions imposed on all delegations have been updated to state that whilst exercising a power, the delegate must (not “may”) take into account Ailan Kastom. Ailan Kastom is defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld). Section 9(3) of the *Local Government Act 2009* states “may take into account” and therefore makes this discretionary; however, Council instructed that the delegate must take Ailan Kastom into account.
19. For continued operational efficiency and statutory compliance in all Departments, the delegations update should be submitted to Council for adoption.
20. The new Instrument of Delegations is recommended for the Committee’s endorsement. It will then be put to Council for endorsement.
21. There are no trustee powers in the proposed Instrument of Delegations.

Considerations

Risk Management

MacDonnells Law has identified a significant risk of non-compliance if Council’s delegations are not updated. This is because without up-to-date delegations, the CEO and Council staff are more likely to make decisions without the necessary delegated authority; those decisions are invalid and could be challenged.

For continued operational efficiency and statutory compliance in all Departments, the delegations update should be submitted to Council for adoption.

Council Finance

No finance implications.

Consultation:

- MacDonnells Law
- Chief Executive Officer
- Governance & Leadership Standing Committee
- Audit Committee

Links to Strategic Plans:

TSIRC Corporate Plan 2020–2025

Delivery Pillar: People

Outcome 4: We are a transparent, open and engaging council.

Delivery Pillar: Sustainability

Outcome 8: We manage council affairs responsibly for the benefit of our communities

Statutory Requirements:

Local Government Act 2009

Local Government Regulation 2012

Environmental Protection Regulation 2019

Torres Strait Islander Land Act 1991

Meaning of “Ailan Kastom”/Island custom

Ailan Kastom is defined in the *Torres Strait Islander Land Act*, section 6, which is pasted below.

Torres Strait Islander Land Act 1991

Section 6

Meaning of Island custom

Island custom, known in the Torres Strait as Ailan Kastom, is the body of customs, traditions, observances and beliefs of Torres Strait Islanders generally or of a particular group of Torres Strait Islanders, and includes any such customs, traditions, observances and beliefs relating to particular persons, areas, objects or relationships.

The Audit Committee raised a query: *What is the effect of Ailan Kastom on delegations?*

Manager Legal Services advised as follows:

Each delegate is required to take into account Ailan Kastom when exercising statutory powers. Many delegates have a limited understanding of traditional island law and custom (sometimes limited to the cultural awareness training that is delivered as part of employee induction). In practice, I think the requirement is for delegates to be aware of the cultural context of their decision-making and to seek guidance when the proposed exercise of statutory power may relate to Ailan Kastom. For example, Council specifically queried delegations relating to controlling beach access. If the delegate proposed to close access to a beach (or for that matter take any action relating to control over land), taking into account Ailan Kastom would mean that the delegate would need to communicate (at minimum, in an emergency situation) or consult with the Councillor to ensure that the proposed exercise of statutory power takes into account Ailan Kastom.

Conclusion:

That pursuant to section 257 of the *Local Government Act 2009*, Council delegate to the Chief Executive Officer the exercise of powers under the *Building Regulation 2021* (Qld) (BUIR 2021), and these powers must be exercised subject to Ailan Kastom and any limitations contained in Schedule 2 of the attached Instrument of Delegation.



Recommended:

Peter Krebs
Manager Legal Services



Endorsed:

Megan Barrett
Interim Executive Director, Corporate Services

Endorsed:

David Baldwin
Acting Chief Executive Officer



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	December 2021
DATE:	7 December 2021
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	COVID 19 Entry to Trust Areas
AUTHOR:	Manager Legal Services

Recommendation:

Council resolves to:

Formally to write to the Queensland Government (Minister for Health and Ambulance Services and Chief Health Officer) as per the draft attached:

To seek re-declaration of the 'Torres Strait Island' designated area under a revised Restricted Access to Remote Communities Direction to be made by the Chief Health Officer under section 362B of the Public Health Act 2005 (Qld) for the preservation, protection and wellbeing of constituents living within the Torres Strait Island Regional Council Local Government Area.

Key characteristics of this Public Health Direction should be:

- ***Application of the Public Health Direction until the 80% full vaccination target is reached in the Torres Strait Island Regional Council LGA;***
- ***Application only to the Torres Strait Island Regional Council LGA;***
- ***Requirement of travellers to disclose at least single dose vaccination status or current negative COVID-19 test prior to flying to the designated area;***
- ***Mandatory temperature testing prior to boarding inbound flights to the designated area and prohibited travel for all persons showing symptoms (if without a current COVID-19 negative test);***
- ***Mask mandate applies aboard all inbound flights to and from the designated area;***
- ***Social distancing mandate within the designated area; and***
- ***State Government delegation of Council Authorised Persons for local enforcement of the Public Health Directive.***

Executive Summary:

At the Council Workshop and Trustee Meeting of 15 November 2021, Council and the Trustee resolved, amongst other things:

1. That Legal Services draft changes to SLL7 (ensuring consistency with and permissible under the ATSI(JLOM)A) to reflect the desired process (and formalise the current practice) where Divisional Councillor permission is required before entering community, except in emergency

situations where waiting for permission is impractical. Consultation with Mer and Badu PBCs will be necessary to adopt these changes.

2. That Legal Services draft the COVID-19 policy that we want to apply to our local government area in this public health emergency, including mandating vaccination (if permissible), and advocate with the State Government (via the Office of the Chief Health Officer) for the State to implement this policy as a public health directive / remote area declaration applicable to TSIRC's local government area, with necessary statutory powers delegated to TSIRC.
3. That Legal Services seek feedback from Manager Visitor Operations and Manager Environment & Health on the proposed changes, and present the draft changes to next SARG and OM for endorsement. (Note: last SARG meeting for the year is 30 November.)

This Report satisfies resolutions 1 – 3.

Background:

Following the onset of the COVID19 pandemic in Australia in early 2020 and up until 12 July 2020, the Queensland Government (via the Chief Health Officer) introduced several Public Health Directions¹ each titled *Restricted Access to Remote Communities Direction* which imposed public health restrictions/measures to reduce the transmission of the disease to remote Indigenous communities, including to the Torres Strait Island Regional Council ("TSIRC") Local Government Area ("LGA"). These measures were considered very effective.

Since revocation of the Direction on 10 July 2020 and regularisation of restrictions in line with the rest of Queensland, constituents within the TSIRC LGA have been at increased risk of COVID-19 infection. Notwithstanding recent attempts by the Queensland Government in conjunction with Council and other stakeholders to increase constituent uptake of the COVID-19 vaccine, vaccination rates remain low in our LGA.

Queensland Health acknowledges in its COVID-19 publications² that: -

Advice for people most at risk of getting serious illness from COVID-19

Some people are more likely to get really sick with COVID-19. People need to take extra steps to protect themselves and those most at risk.

Those at greatest risk are:

- Aboriginal and Torres Strait Islander peoples and people in remote communities
- Older people
- People with certain medical conditions
- People in aged care facilities
- People with disability

The Torres Strait is at increased risk of severe responses to COVID-19 infections due to the prevalence of chronic disease in our Region. This fact is irrefutable.

Subject to new 80% full vaccination restrictions which will continue to apply to the whole of Queensland, domestic borders will reopen on 17 December 2021. With the reopening, the risk of exposure in the Torres Strait to COVID-19 increases exponentially, particularly absent carefully tailored and targeted controls/ restrictions until our constituents reach 80% full vaccination. Further, Primary Health Care Centres on each Division of the Local Government Area, supplemented by the Thursday Island Hospital, will be unable to manage the increased critical patient load.

¹ *Restricted Access to Remote Communities Direction* (26 June 2020, 3 July 2020, 10 July 2020)

² Getting vaccinated | Health and wellbeing | Queensland Government (www.qld.gov.au)

In August 2021, our Ugar (Stephen) Island Councillor (Cr. Rocky Stephen) in conjunction with the Native Title Prescribed Body Corporate developed a draft Policy to proactively help reduce the spread of COVID19 until vaccination rates are on par with the rest of Queensland. This document was titled "Standard Operating Procedures Policy for COVID-19".

There has been general support across all Divisions of the TSIRC LGA for similar measures to be reintroduced to limit the spread of this disease in a largely unvaccinated and vulnerable community. Council has sought legal advice as to how these measures may be lawfully implemented (eg. via existing/ amended Local Laws).

Legal Advice

- 1.1 It appears clear from Council's workshop/ Trustee Meeting in November 2021, that it seeks to achieve the following objectives, namely:
 - 1.1.1 **Councillor permission to enter trust areas** - Requirement for Divisional Councillor permission to enter trust area (except for emergency situations); and
 - 1.1.2 **Imposing restrictions on entry to trust areas** - Council develop a COVID-19 policy to apply to the LGA and advocate with the State Government (via the Dept of Health and Chief Health Officer) to implement either via public health directive or remote health directive, as applicable, which specifically mandates vaccination (both visitors and residents), with necessary delegated State Government powers of enforcement to Council (eg. Authorised Persons etc).
- 1.2 The two (2) objectives in paras 1.1.1 and 1.1.2 essentially go hand in glove – *who may enter, when may they enter, what they must do when they enter, and who can approve entry*. What remains silent however (which could well be the most important aspect) is Council's expectation where conditions of entry are not met, and Divisional Councillor permission to enter is **refused/ revoked** accordingly.
- 1.3 The following preliminary observations are made on what is being proposed by Council, again referring back to previous advice re jurisdictional interactions between Local Government (Local Laws) vs Trustee (ATSI(JLOM)Act) powers (**highlighted** for emphasis of relevance), namely:

*The distinction of 'source of power' between Council (as Local Government via its Local laws) and Trustee (under the ATSI(JLOM)Act) is critical with respect to enforcement rights. **On Council DOGIT where the powers are essentially one the same, Council has the power by way of Local Law to both approve additional categories of persons who may enter, be in or live in trust areas as well as hand out compliance notices/ fines for non-compliance (as a Local Government), whilst also seeking to remove persons from the trust land who are not entitled to be there (as Trustee under s55 of the ATSI(JLOM)Act).***

However, in Divisions where Council is not the DOGIT holder (eg. Mer and Badu Islands), the powers are split:

- (a) *With the express written consent of each Trustee, Council may approve categories of persons who may enter, be in or live in trust areas and enforce breaches thereof via compliance notices/fines (**however this does not extend to exercising a power of removal from the trust area reserved only for a Trustee under s55**); and*
- (b) *The Trustee may remove a person under s55 (via police) who does not have a statutory right of entry to its trust land under the*

ATSI(JLOM)Act, however it may not seek to enforce Council's Local Laws, reserved only for Council's Authorised Persons.

- 1.4 There is no doubt that s53(1)(c) of the ATSI(JLOM)Act permits Council to *make a local law about who is authorised to enter, be in and live in a trust area*. However, such cannot be made without each Trustee's written consent (s53(2)).
- 1.5 Section 53(1)(c) has the same scope as ss50 and 53, in so far as a local law may create **additional** authority to enter, be in and live in the trust area; **it may not seek to curtail/ remove or restrict existing statutory rights of entry to trust are already available under the ATSI(JLOM)Act**.
- 1.6 With regard to an Indigenous Local Government's statutory power to **restrict access to trust areas**, this may occur via resolution of Council (and need not be via a Local Law) but is limited only to those grounds in s52, namely:
- (a) the restriction of the number of persons who may enter and be in a trust area **or**
 - (b) the restriction of time for which a person may live at a place,
...and may only occur in the event of likely unsustainable use of resources (eg. water restrictions etc) – very restrictive and not exercisable for public health emergency.
- 1.7 Accordingly, any attempt by Council via its Local Laws or otherwise to **curtail/ remove/ restrict** an existing statutory right of entry under the *ATSI(JLOM)Act* will inevitably evoke the State Interest Check - a Local Law may not be inconsistent with State Government Legislation (s27 LGA). A failure to allow a State Interest Check prior to making a Local Law may result in the invalidation of the Local Law (s38AB). As stated above, s53(1)(c) operates to **expand** rights of entry, **not restrict existing ones**. It is for this reason Trustee written consent is required (s53(2) ATSI(JLOM)Act).
- 1.8 This clarification regarding the scope of Council's power to create Local Laws to regulate entry to trust areas aside, a threshold question remains regarding Council's jurisdiction to regulate public health emergencies which to date, has been the ambit of State Government Public Health Direction. Local Laws purporting to be made under s53(1)(c) of the ATSI(JLOM)Act to respond to public health emergencies are not the correct vehicle and pose significant risk to both the Council and Trustee as described below.
- 1.9 Imposition of the draft *Standard Operating Procedures Policy for COVID-19* as presented (or even in part) shall pose a **substantial risk** to Council of Ministerial action under s38AB (suspending or revoking particular local laws) on a number of grounds, but primarily as being "contrary to any other law" (s38AB(1)(a)), particularly as it purports, for example, to curtail/ remove/ restrict an existing statutory right of entry under the *ATSI(JLOM)Act*. Additionally, where invalid, such a Local Law shall expose Council and each Trustee to potential liability for consequential damages for commercial losses incurred as a result of denial of a statutory right of entry (eg. commercial operator prevented access and unable to perform work, an employee who is unable to attend work and is laid off etc).
- 1.10 Furthermore, Council should note that the draft *Standard Operating Procedures Policy for COVID-19* as proposed would be significantly burdensome to both administer (via permits) and enforce (quarantine).
- 1.11 On the question of public health jurisdiction, the draft *Standard Operating Procedures Policy for COVID-19* as presented is essentially a quasi-Public Health Directive. Public Health Direction in response to a Public Health Emergency declared under the *Public Health Act 2005* (Qld) (declared 29 January 2020 in Queensland for COVID-19) are by way of Queensland Government legislative instrument and override all State Government legislation (and in turn Local Government Local Laws) to the point of inconsistency for the duration stated.
- 1.12 Only the Chief Health Officer of the Queensland Government is authorised to make Public Health Directions under the *Public Health Act 2005* (Qld).

1.13 A Public Health Direction may suspend general rights/ powers to enter trust areas otherwise provided under the *ATSI(JLOM)Act*, and in any additional rights of entry under Council's Local Laws.

1.14 There are specific powers provided in Queensland Government legislation relating to the power to mandate quarantine (ss362G and 362H of the *Public Health Act 2005* (Qld) and each Public Health Direction cites these specific legislative powers. This includes the power to mandate wearing of masks etc (s362B). Other Public Health Directions in Queensland with respect to this Public Health Emergency include:

- restrict movement and gatherings to some areas;
- restrict certain businesses and activities;
- limit unwell school students' access to school;
- detain anyone who has arrived in Queensland from overseas in a hotel for 14 days with minor exceptions;
- ban cruise ships from Queensland waters;¹
- restrict the movement of people diagnosed with COVID-19;
- limit access to aged care facilities;
- limit access to hospitals;
- limit access to prisons;
- limit access to shared disability accommodation services;
- require further testing for some workers such as quarantine facility workers and international air crew...

1.15 There are currently no entry and quarantine requirements or travel restrictions for Queensland's remote Aboriginal and Torres Strait Islander communities.

Our Preferred Approach

1.16 Council should not presently seek to amend its Local Laws to curtail/ remove/ restrict an existing statutory right of entry under the *ATSI(JLOM)Act*. Council does not have power to do so and would risk invalidation and potential associated liability as mentioned above.

1.17 Council should focus its efforts on lobbying the State Government (via Dept of Health and the Office of the Chief Health Officer) to seek implementation of Council's preferred measures as a Public Health Direction under the *Public Health Act 2005* (Qld), with appropriate delegation of powers to Council for enforcement thereof. If the State then make the requested Public Health Direction, Council will not need to rely on its own Local Laws for enforcement thereof; it will rely on statutory State Government powers.

Attached is a draft letter to the Minister for Health and Chief Health Officer. This approach will not require recourse to the *limited scope* of Trustee removal powers, nor will it require Local Law amendment by Council.

1.18 Council should not seek to **mandate** rigid and controversial restrictions via Public Health Directions (eg. quarantine etc). For example, the preferred and likely most compelling argument, will be to apply fair and reasonable restrictions which have been imposed previously in Queensland until 80% full vaccination status is achieved in the LGA (same threshold as the rest of Queensland and most of Australia). Demanding rigid and controversial restrictions upfront will likely result in early refusal by the State.

Considerations

Risk Management

As presented.

Council Finance

NIL

Consultation:

Legal Services

Manager Environmental Health

Manager Visitor Operations

Links to Strategic Plans:

Outcome 2: Our communities are safe, healthy and active.

Statutory Requirements:

Local Government Act 2009

Aboriginal and Torres Strait Islander (Justice, Land and Other Matters) Act 1984 (Qld)

Conclusion:

That SARG endorse the recommendation as presented.



Endorsed:

Peter Krebs

Manager Legal Services



Recommended:

Megan Barrett

Interim Executive Director Corporate Services



DATE

Att:

Hon Yvette D'Ath MP
Minister for Health and Ambulance Services

Dr Peter Aitken
Acting Chief Health Officer

VIA EMAIL
[INSERT]

Dear Minister D'Ath and Dr Aitken,

**RE: TORRES STRAIT ISLAND REGIONAL COUNCIL – RESTRICTED ACCESS
TO REMOTE COMMUNITIES DIRECTION – TORRES STRAIT**

Reference is made to former Public Health Direction¹ made under section 362B of the *Public Health Act 2005* (Qld) declaring the “Torres Strait Island” as a *designated area* in Schedule 1 thereof (“the Direction”).

Since revocation of the Direction on 10 July 2020 and regularisation of restrictions in line with the rest of Queensland, constituents within the Torres Strait Island Regional Council Local Government Area have been at increased risk of COVID-19 infection. Notwithstanding recent attempts by the Queensland Government in conjunction with Council and other stakeholders to increase constituent uptake of the COVID-19 vaccine, vaccination rates remain low in our Local Government Area.

Queensland Health acknowledges in its COVID-19 publications² that: -

Advice for people most at risk of getting serious illness from COVID-19

Some people are more likely to get really sick with COVID-19. People need to take extra steps to protect themselves and those most at risk.

Those at greatest risk are:

- [Aboriginal and Torres Strait Islander peoples and people in remote communities](#)
- [Older people](#)
- [People with certain medical conditions](#)
- [People in aged care facilities](#)
- [People with disability](#)

¹ *Restricted Access to Remote Communities Direction* (26 June 2020, 3 July 2020, 10 July 2020)

² [Getting vaccinated | Health and wellbeing | Queensland Government \(www.qld.gov.au\)](#)





The Torres Strait is at increased risk of severe responses to COVID-19 infections due to the prevalence of chronic disease in our Region. This fact is irrefutable.

Subject to new 80% full vaccination restrictions which will continue to apply to the whole of Queensland, domestic borders will reopen on 17 December 2021. With the reopening, the risk of exposure in the Torres Strait to COVID-19 increases exponentially, particularly absent carefully tailored and targeted controls/ restrictions until our constituents reach 80% full vaccination. Further, Primary Health Care Centres on each Division of the Local Government Area, supplemented by the Thursday Island Hospital, will be unable to manage the increased critical patient load.

In light of the low vaccination rates and the high prevalence of chronic disease in the Torres Strait, Council resolved at its Strategic Advisory Reference Group ("SARG") on 30 November 2021, and ratified at its Ordinary Meeting on **[INSERT]** December 2021:

To seek re-declaration of the 'Torres Strait Island' designated area under a revised Restricted Access to Remote Communities Direction to be made by the Chief Health Officer under section 362B of the Public Health Act 2005 (Qld) for the preservation, protection and wellbeing of constituents living within the Torres Strait Island Regional Council Local Government Area.

Key characteristics of this Public Health Direction should be:

- *Application of the Public Health Direction until the 80% full vaccination target is reached in the Torres Strait Island Regional Council LGA;*
- *Application only to the Torres Strait Island Regional Council LGA;*
- *Requirement of travellers to disclose at least single dose vaccination status or current negative COVID-19 test prior to flying to the designated area;*
- *Mandatory temperature testing prior to boarding inbound flights to the designated area and prohibited travel for all persons showing symptoms (if without a current COVID-19 negative test);*
- *Mask mandate applies aboard all inbound flights to and from the designated area;*
- *Social distancing mandate within the designated area; and*
- *State Government delegation of Council Authorised Persons for local enforcement of the Public Health Directive.*

Council welcomes the opportunity to urgently discuss options with you at your earliest possible opportunity.

Yours in partnership,





Torres Strait Island
REGIONAL COUNCIL

Office of the Mayor

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ABN 15 292 645 165

Cr. Phillemon Mosby
Mayor

