



Torres Strait Island
REGIONAL COUNCIL

MINUTES

ORDINARY MEETING

Tuesday 25 June 2019: 9:09am to 6:05pm
Wednesday 26 June 2019: 9:00am –

Videoconference - VMR #8 - 0299 165 402

Tuesday 25 June 2019

Present

Cr Fred Gela, Mayor
Cr Dimas Toby, Division 1 – Boigu
Cr Torenzo Elisala, Division 2 – Dauan
Cr Keri Akiba, Division 3 – Saibai
Cr Keith Fell, Division 4 – Mabuiag (Mabuyag office - VC)
Cr Laurie Nona, Division 5 – Badu
Cr David Bosun, Division 6 – Kubin Community, Mua Island
Cr Mario Sabatino, Division 8 – Kirriri
Cr Francis Pearson, Division 11 – Poruma
Cr Ted Nai, Division 12 – Masig
Cr Patrick Thaiday, Division 14 – Erub
Cr Bob Kaigey, Division 15 – Mer
Mr Bruce Ranga, Chief Executive Officer (CEO)
Ms Jan Pool, Chief Operating Officer (COO)
Ms Hollie Faithfull, Acting Chief Financial Officer (CFO)
Mr Peter Krebs, Manager Legal Services (MLS)
Mr Luke Ranga, Manager Engagement (ME)
Mr David Lennie, Strategic Sourcing Manager
Ms Ursula Nai, Senior Executive Assistant (SEA)
Mrs Kathy Cochran – Secretariat Officer (SO)

Apologies

Cr John Levi, Division 7 – St Pauls Community, Mua Island
Cr Getano Lui Jnr, Division 9 – Iama
Cr Clara Tamu, Division 10 – Warraber
Cr Rocky Stephen, Division 13 – Ugar

1. **9:09am – 9:15am** **Opening Prayer by Cr Thaiday and Welcome by Deputy Mayor Lui**

Mayor Gela welcomed everyone and thanked them for their attendance and invited Cr Thaiday to open the meeting in prayer.

Mayor Gela acknowledged the traditional owners and elders past and present for Kirriri and the whole of Zenadth Kes. Mayor also acknowledges Cr Sabatino and fellow Councillors and staff.

2. **9:15am – 9:21am** **Apologies**

- Cr Clara Tamu, Division 10 – Warraber
Cr Sabatino applied for leave of absence in advance at the May 2019 Ordinary Meeting.

RESOLUTION

Moved: Cr Nai; Second: Cr Nona

That Council accepts the apology from Cr Tamu for her absence at this meeting.

MOTION CARRIED

- Cr Rocky Stephen, Division13 – Ugar
Cr Stephen applied for leave of absence in advance at the May 2019 Ordinary Meeting.

RESOLUTION

Moved: Cr Elisala; Second: Cr Kaigey

That Council accepts the apology from Cr Stephen for his absence at this meeting.

MOTION CARRIED

- Cr Getano Lui Jnr, Division 9 - Iama
Cr Lui applied for leave of absence in advance at the May 2019 Ordinary Meeting.

RESOLUTION

Moved: Cr Elisala; Second: Cr Nona

That Council accepts the apology from Cr Lui for his absence at this meeting.

MOTION CARRIED

- Cr John Levi, Division 7 – St Pauls Community, Mua Island
Mayor Gela informed Council, Cr Levi had advised he had been admitted to hospital due ill health and expressed his apology. Cr Levi did not apply for leave of absence in advance at the May 2019 Ordinary Meeting. Council considered Cr Levi apology and accepted it.

RESOLUTION

Moved: Cr Sabatino; Second: Cr Pearson

That Council accepts “reasonable excuse” absence of Cr Levi subject to written advice.

MOTION CARRIED

ACTION: SEA to follow up with Cr Levi for his apology to be submitted in writing.

3. **9:21am – 9:22am** **Declaration of Conflict of Interest (COI) or Material Personal Interest (MPI)**

- Cr Elisala declared a conflict of interest (COI) for Agenda item 18. Regional Grants applicant – 4Ballun Dance Team
 - COI details: Cr Elisala has family in the dance team.

Mayor encouraged Councillors to make their disclosure at any time during the meeting.

4. **9:22am – 9:27am** **Confirmation of May 2019 Ordinary Meeting Minutes**

Page 3 – Remove Cr Pearson COI due to TSRA Board Member
Page 17 – Delete Cr Sabatino on 2nd day – leave of absence
Add Cr Kaigey and Cr Bosun on Monday 20th May attendance

RESOLUTION

Moved: Cr Pearson: *Second:* Cr Nai

That the minutes of the Ordinary Meeting held in May 2019 be adopted as a true and accurate record of that meeting taking into account the above amendments.

MOTION CARRIED

Mayor Gela welcomed David Lennie as the new Procurement officer and invited David to give a brief introduction of himself and overview of his previous work history to Council.

5. **9:27am – 9:54am** **Outstanding Strategic Ordinary Meeting Action Items**

1. IKC - State Library update – merge the two action items. In progress, new due date Sept 19 OM
2. Business Continuity – SEA to place on agenda for November workshop
3. Complaint (Public Official) Policy – Source an independent assessor for the Mayor to go to and should be reflected in the Policy
4. Communication Guidelines – to be tabled today.
5. Framework to deal with unannounced visitors to islands – Policy being developed, involve Legal and SEA to place on November workshop agenda
6. 8 Point Plan emailed to Councillors – complete – closed
7. In kind contributions by Councillors – workshop in November 2019
8. Communicate and distribute TSIRC branding – due to complete July 2019
9. Travel Allowance for private stay in TSIRC region – Team to develop a Policy and framework for TA – private stay in Cairns and Torres Strait region.
10. Vending machine – Mabuyag – COO, Procurement, Legal and Cr Fell to have offline discussions
11. Grass cutting – Mabuyag – Close
12. Boigu Focus Group – Cr Toby asked for an update on an email sent to Council from Mr Matthew on behalf of Elder Donald Banu. Team to send update information to Cr Toby

6. **10:20am – 10:29am** **SARG Update – Verbal**

Mayor Gela gave Council a verbal update on the following discussion points at the last SARG meeting held Monday 24th March 2019 via video conference.

- Visual on Beautification Report – close
- Climate Adaptation
- Deputation by Mirabou Energy Renewable Micro – Grid Regional Energy Opportunities
- TCICA membership
- Pre feasibility projects
- BSU committed outputs and projected
- Update of Memorandum of Understandings
- Maritime Fees and
- SARG Attendance

7. **10:29am – 10:33am** **Standing Agenda Items**

- Undocumented commercial land occupation project (verbal) – New data base now in place and nothing new to update.

ACTION: MLS to furnish each Councillor with the information report on the leases in each community

- IKC update – item parked

ACTION: HCAE - a written report will be submitted to July OM

8. 10:33am – 10:55am CORPORATE AFFAIRS – Verbal Update

HoCAE gave verbal update to Council on the following items;

- Community Consultation
- Regional Grants Program and
- Rita Pryce Deputation – Cultural Protocol in performing arts

10:55 – 11:20am – MORNING TEA Break

9. 11:20am – 11:22am BUSINESS SERVICES – Authorised Individuals for ATO

CFO spoke to this report. The purpose of this report is for Council to endorse the following Council employees:

- Bruce Ranga
- Jan Pool
- Hollie Faithfull
- Nicola Daniels

To speak on behalf of Council for various financial and non financial matters to the Australian Government.

RESOLUTION:

Moved: Cr Sabatino; *Second:* Cr Elisala

That Council endorse the following individuals to be authorised contact persons for the purposes of dealing with the Australian Government

- **Bruce Ranga**
- **Jan Pool**
- **Hollie Faithfull**
- **Nicola Daniels**

and remove Melissa Barmettler as an authorised contact person. Noting that Jaydip Sengupta was listed in NAT 2943 however due to cessation of employment will no longer be added as an authorised contact.

MOTION CARRIED

10. 11:22am – 11:23am BUSINESS SERVICES – Asset Management Policy

CFO spoke to this report; the purpose of the report is to present for adoption the Asset Management Policy (PO 10) for Council. The Policy was previously endorsed in June 2017 with a review date of June 2019.

Significant changes to the existing policy are noted below for Council's consideration:

- Updated Responsible Manager from Executive Manager Corporate Services to Chief Financial Officer
- Included reference to New Capital Project Procedure PO10-PR08 in regards to capital threshold.

The Policy has been prepared in line with the aforementioned legislation and is recommended for adoption.

RESOLUTION:

Moved: Cr Pearson; *Second:* Cr Sabatino

That Council adopt the Asset Management Policy (PO 10) for a period of two years.

MOTION CARRIED

11. 11:23am – 11:24am BUSINESS SERVICES – Information Technology Policy

CFO spoke to this report; the purpose of this report is to present for adoption the Information Technology Policy (PO 13) for Council.

The Policy was previously endorsed in May 2017 with a review date of June 2019. Significant changes to the existing policy are noted below for Council's consideration:

- Updated Responsible Manager from Executive Manager Corporate Services to Chief Financial Officer

The Policy has been prepared in line with the aforementioned legislation and is recommended for adoption.

RESOLUTION:

Moved: Cr Sabatino; *Second:* Cr Nona

That Council adopt the Information Technology Policy (PO 13) for a period of two years.

MOTION CARRIED

12. 11:24am – 11:27am BUSINESS SERVICES – Financial Policies

CFO spoke to this report. The purpose of this report is to present for adoption the annual financial policies for Council. The Policies were previously endorsed in June 2018 with an annual review date of June 2019. Statutory Polices (SPO) is mandated under the Local Government Regulation 2012 (Qld).

Significant changes to existing policies are noted below for Council's consideration:

Investment (SPO 1)

- Updated Responsible Manager from Executive Manager Financial Services to Chief Financial Officer

Community Grants (SPO 3)

- Updated Responsible Manager from Executive Manager Financial Services to Chief Operating Officer

Debt (SPO 4)

- Updated Responsible Manager from Executive Manager Financial Services to Chief Financial Officer
- Existing borrowings balance updated as at 31 May 2019.

Councillor Expense Reimbursement and Facilities Provision (SPO 6)

- Updated Responsible Manager from Executive Manager Financial Services to Chief Financial Officer
- Amened references of Executive Manager Financial Services to Chief Financial Officer within the policy

Fiscal Governance (PO 4)

- Updated Responsible Manager from Executive Manager Financial Services to Chief Financial Officer
- Amened references of Executive Manager Financial Services to Chief Financial Officer within the policy

Entertainment and Hospitality Policy (PO 11)

- Updated Responsible Manager from Executive Manager Financial Services to Chief Financial Officer

RESOLUTION:

Moved: Cr Nai; *Second:* Cr Thaiday

That Council adopts the following Policies:

- **Investment Policy (SPO 1)**
- **Community Grants Policy (SPO 3)**
- **Debt Policy (SPO 4)**
- **Councillors Expense Reimbursement and Facilities Provision Policy (SPO 6)**
- **Fiscal Governance Policy (PO 4)**
- **Entertainment and Hospitality Policy (PO 11)**

MOTION CARRIED

13. 11:27am – 11:31am LEGAL – Complaint Management and Enforcement Policy

MLS spoke to this report. The purpose of this report is to present to Council, for endorsement, policies in the Legal Services area of responsibility that are due for review.

Complaint Management Policy

“Belcarra 2” law reforms have not yet come into effect, so there are no substantive changes proposed to this Policy.

Legal recommends setting a review date of 30 June 2020 to ensure that the Policy is updated to reflect any further law reform introduced over the next year.

The Complaint Management Procedure (SPO9 PR1) is being separately reviewed and updated under CEO delegation, in particular to reflect the changes to Council’s operating model that were introduced in April 2019.

Enforcement Policy

The only proposed change to this Policy is to update the “Responsible Manager” from Executive Manager Corporate Services to Chief Operating Officer.

Legal recommends setting a review date of 30 June 2021 for this Policy.

The following procedures fall under the Enforcement Policy:

- PO5-PR1 Enforcement Procedure: this was last reviewed in December 2018 and is due for review in June 2020.
- PO5-PR7 Debt Recovery Procedure: due for review in June 2019. This procedure is being separately reviewed and updated under CEO delegation, in particular to reflect the changes to Council's operating model that were introduced in April 2019.
- PO5-PR2 Prescribed Activity Procedure: due for review in June 2019. This procedure is being separately reviewed and updated under CEO delegation, in particular to reflect the changes to Council's operating model that were introduced in April 2019.
- PO5-PR3 Risk Management and Litigation Procedure: due for review in June 2019. This procedure is being separately reviewed and updated under CEO delegation, in particular to reflect the changes to Council's operating model that were introduced in April 2019.

RESOLUTION:

Move: Cr Akiba; *Second:* Cr Pearson

That Council endorses the updated SP09 Complaint Management Policy and PO5 Enforcement Policy, as presented.

MOTION CARRIED

14. 11:31pm – 11:35pm LEGAL – Delegation Register

MLS spoke to this report. The purpose of the report is to present new and amended statutory powers to Council for endorsement of delegation to the CEO.

MacDonnells Law has advised that, since the May 2019 update, the following legislative changes have occurred which requires a Council resolution to delegate new or amended powers to the CEO and update the Delegations Register:

Each new instrument of Delegation is proposed for each relevant statutory instrument, for Council's consideration. MLS updates Council on each new and amended instrument as present in the report.

RESOLUTION:

Move: Cr Thaiday; *Second:* Cr Pearson

That under section 257 of the Local Government Act 2009, Council delegate to the Chief Executive Officer the exercise of the following powers, and these powers must be exercised subject to any limitations contained in Schedule 2 of the corresponding attached Instruments of Delegation:

- **Mineral Resources Act 1989:** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as Attachment 2.
- **Plumbing and Drainage Act 2018:** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as Attachment 3.
- **Plumbing and Drainage Regulation 2019:** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as Attachment 4.
- **Waste Reduction and Recycling Act 2011:** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as Attachment 5.
- **Waste Reduction and Recycling Regulation 2011:** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as Attachment 6.
- **Water Act 2000:** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as Attachment 7.
- **Public Health Act 2005:** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as Attachment 8.

MOTION CARRIED

15. 11:35pm – 11:49pm LEGAL – House Price Endorsement

MLS spoke to this report. The purpose of the report provides an opportunity for Council to set a house price for one-bedroom detached houses, seven-bedroom detached houses and duplexes.

The house price methodology agreed between TSIRC and DHPW does not include one-bedroom detached houses; seven-bedroom detached houses or duplexes, although these types of houses exist in Council's social housing portfolio.

To ensure the house sale prices cover all social housing assets, Legal proposes a comprehensive methodology as presented in the report.

The figures were calculated by the Management Accountant, proportionately to the price ranges for the dwellings in the existing methodology, and with reference to the market rent per fortnight set by the State Government for social housing, which Council is bound to apply as a housing provider.

The house price for duplexes is calculated as 75% of the value of a detached house with the same number of bedrooms.

The highlighted figures have been rounded to the nearest \$5,000 to keep it simple.

The Management Accountant's supporting calculations are included as Attachment 1 to the report.

There is no proposed change to the house prices already agreed between TSIRC and DHPW.

RESOLUTION:

Moved: Cr Fell; *Second:* Cr Pearson

That Council, as Trustee for those communities for which Council holds a Deed of Grant in Trust, endorse the sale price for social housing on ordinary freehold land and home ownership (99-year) lease land for the purpose of sections 28R and 91–93 of the Torres Strait Islander Land Act 1991 (Qld) and sections 32R and 126–128 of the Aboriginal Land Act 1991 (Qld), as follows:

House type	New condition	Good condition	Fair condition
1-bedroom detached	\$55,000	\$40,000	\$30,000
2-bedroom detached	\$65,000	\$50,000	\$35,000
3-bedroom detached	\$75,000	\$60,000	\$45,000
4-bedroom detached	\$90,000	\$75,000	\$60,000
5-bedroom detached	\$100,000	\$85,000	\$67,000
6-bedroom detached	\$110,000	\$95,000	\$75,000
7-bedroom detached	\$120,000	\$100,000	\$80,000
2-bedroom duplex	\$50,000	\$40,000	\$25,000
3-bedroom duplex	\$55,000	\$45,000	\$35,000

Pricing is subject to review every three years based on the consumer price index.

MOTION CARRIED

CEO made mention of 5 times 8 bedroom houses in our Divisions.

ACTION: MLS to submit a report to the July OM to capture the 8 bedroom assets in the methodology.

Cr Nona asked about pricing for Mer and Badu. Mayor Gela suggests they could consult with Council and BAS.

16. **11:49pm – 11:55pm** **CORPORATE – Community Recovery “Plan on a Page”**

HoCAE spoke to the report. The Community Recovery Plan on a Page primarily focuses on the recovery activities applicable to the North & Far North Queensland Monsoon Trough, which occurred on 25 January - 14 February 2019.

Council's Corporate Affairs & Engagement and Engineering Departments have worked with officers from the Queensland State Government Reconstruction Authority to compile this plan, which will be included in the State Recovery Plan.

RESOLUTION:

Moved: Cr Nai; *Second:* Cr Fell

That Council resolve to endorse the Community Recovery Plan on a Page as presented.

MOTION CARRIED

17. **11:55pm – 12:14pm** **COMMUNITY SERVICE - 2020 Nominated Special Holidays**

Mayor spoke to this report. Each year Council submits Special Nominated Holiday for the TSIRC Electorate to the Minister for Employment & Industrial Relations, Racing and Multicultural Affairs for approval. This year we are seeking Council endorsement for 2020 Nominated Special Holidays as per Attachment A.

Regional Managers consulted with the respective Divisional Managers and Senior MSAO's to collate information required for this report. Divisional Managers and Senior MSAO's worked in collaboration with their respective Divisional Councillors to confirm the Special Nominated Holiday Dates for 2020

The Nominated Special Holidays for 2020 needs to be submitted by mid August to the Department of Industrial Relations, Racing and Multicultural Affairs

RESOLUTION:

Moved: Cr Bosun; *Second:* Cr Pearson

That Council endorse the list of 2020 special holidays at Attachment A to this report.

MOTION CARRIED

ACTION: HoCAE to prepare a report to Council at the July OM for the Torres Strait flag day and Mabo day to be recognised as a National holidays.

ACTION: SEA to place Mabo day date as an Agenda item at the Mer Community Consultation visit by Mayor and CEO. (Cr Kaigey advised there is some dispute within the community regarding the true date)

ACTION: EMCoS to confirm with Cr Elisala the Dauan Native Title Determination date

ACTION: EMCoS to confirm with Cr Toby the date for Coming of the Light at Boigu. (Cr Toby wanted to confirm with the local priest)

ACTION: EMCoS to submit a report to Council on the financial implication for the whole region and then for each individual Community/ Division.

18. **12:14pm –12:39pm** **BUSINESS SERVICE – Regional Grants**

COO spoke to this report. The purpose of the report is to present to Council for decision, the Regional Grants Applications for Round Five 2018/19. The additional Regional Grants round was endorsed by Council at the May 2019 meeting. The objective of the additional round was to raise the awareness of the funding options and utilise the then underspent budget of 2018/19. The outcome is an increase of applications received.

Eligibility assessments were completed by TSIRC grants staff for each application in accordance with the Policy. Acknowledgement of each application being received and assessed as compliant was issued to each applicant, by staff. The supporting documentation and applications have been held as per Privacy Legislation and Local Government Records Management procedures.

Providing skills and information to TSIRC staff and community residents about how to apply for funds will continue to diversify and increase the range of projects and activities supported in the community.

Consultation with stakeholders will continue over the next few months, so as to continue to enhance the opportunity that the existing grants represent.

- Cr Elisala declared a conflict of interest (COI) Applicant # 5 – 4Bullan Dance Team
 - COI details: Cr Elisala has family in the dance team.
 - How the Councillor proposed to deal with the COI: Cr Elisala remained in the room but did not vote.

- Cr Akiba declared a conflict of interest (COI) – Applicant # 13 – Saibai Stags RLFC
 - COI details: Cr Akiba son plays in the football team
 - How the Councillor proposed to deal with the COI: Cr Akiba remains in the room but did not vote.

APPLICANT 1: Warthai Kuzi Women’s Touch Tema

RESOLUTION:

Moved: Cr Toby; Second: Cr Elisala

That Council resolves to provide Regional Grants support to the following applicant in accordance with the Community Grants policy:

1. **Warthai Kuzi Women’s Touch Team for the eligible amount of \$2500 exclusive of GST**
MOTION CARRIED

APPLICANT 2: Tudi Balaz Touch Team

RESOLUTION:

Moved: Cr Toby; Second: Cr Elisala

That Council resolves to provide Regional Grants support to the following applicant in accordance with the Community Grants policy:

2. **Tudi Balaz Touch Team for the eligible amount of \$2500 exclusive of GST**
MOTION CARRIED

APPLICANT: 3 Western United Junior Rugby League

RESOLUTION:

Moved: Cr Pearson; *Second:* Cr Nona

That Council resolves to provide Regional Grants support to the following applicant in accordance with the Community Grants policy:

3. Western United Junior Rugby League for the eligible amount of \$2500 exclusive of GST

MOTION CARRIED

APPLICANT 4: Boigu Touch

RESOLUTION:

Moved: Cr Toby; *Second:* Cr Elisala

That Council resolves to provide Regional Grants support to the following applicant in accordance with the Community Grants policy:

4. Boigu Touch for the eligible amount of \$2500 exclusive of GST

MOTION CARRIED

APPLICANT 5: 4Ballun Dance Team

RESOLUTION:

Moved: Cr Kaigey; *Second:* Cr Toby

That Council resolves to provide Regional Grants support to the following applicant in accordance with the Community Grants policy:

5. 4Ballun Dance Team for the eligible amount of \$2500 exclusive of GST

MOTION CARRIED

APPLICANT 6: St Saviour Church

- Cr Toby declared a conflict of interest (COI) – Applicant # 6 – St Saviour Church
 - COI details: Cr Toby is the member of the Church
 - How the Councillor proposed to deal with the COI: Cr Toby remains in the room but did not vote.

RESOLUTION:

Moved: Cr Elisala; *Second:* Cr Bosun

That Council resolves to provide Regional Grants support to the following applicant in accordance with the Community Grants policy:

6. St Saviour Church for the eligible amount of \$2469 exclusive of GST

MOTION CARRIED

APPLICANT 7: Shekinah Fellowship Ministry

RESOLUTION:

Moved: Cr Pearson; *Second:* Cr Akiba

That Council resolves to provide Regional Grants support to the following applicant in accordance with the Community Grants policy:

7. Shekinah Fellowship Ministry for the eligible amount of \$2500 exclusive of GST

MOTION CARRIED

APPLICANT 8: Church of the Rock

RESOLUTION:

Moved: Cr Toby; *Second:* Cr Nai

That Council resolves to provide Regional Grants support to the following applicant in accordance with the Community Grants policy:

8. Church of the Rock for the eligible amount of \$2500 exclusive of GST

MOTION CARRIED

APPLICANT 9: Muyngn Koekaper Dance

RESOLUTION:

Moved: Cr Toby; *Second:* Cr Elisala

That Council resolves to provide Regional Grants support to the following applicant in accordance with the Community Grants policy:

9. Muyngn Koekaper Dance for the eligible amount of \$2500 exclusive of GST

MOTION CARRIED

APPLICANT 10: Gabriel Mooka

RESOLUTION:

Moved: Cr Elisala; *Second:* Cr Toby

That Council resolves to provide Regional Grants support to the following applicant in accordance with the Community Grants policy:

10. Gabriel Mooka for the eligible amount of \$500 exclusive of GST

MOTION CARRIED

APPLICANT 11: Zenadth Kes Rugby League

RESOLUTION:

Moved: Cr Bosun; *Second:* Cr Sabatino

That Council resolves to provide Regional Grants support to the following applicant in accordance with the Community Grants policy:

11. Zenadth Kes Rugby League for the eligible amount of \$2500 exclusive of GST

MOTION CARRIED

APPLICANT 12: Mui Kuzi Football

RESOLUTION:

Moved: Cr Toby; *Second:* Cr Kaigey

That Council resolves to provide Regional Grants support to the following applicant in accordance with the Community Grants policy:

12. Mui Kuzi Football for the eligible amount of \$2500 exclusive of GST

MOTION CARRIED

APPLICANT 13: Saibai Stags RLFC

RESOLUTION:

***Moved:* Cr Kaigey; *Second:* Cr Toby**

That Council resolves to provide Regional Grants support to the following applicant in accordance with the Community Grants policy:

13. Muyngn Koekaper Dance for the eligible amount of \$2500 exclusive of GST

MOTION CARRIED

APPLICANT 14: Saibai Stags RLFC Under 18s

RESOLUTION:

***Moved:* Cr Bosun; *Second:* Cr Toby**

That Council resolves to provide Regional Grants support to the following applicant in accordance with the Community Grants policy:

14. Saibai Stags RLFC Under 18s for the eligible amount of \$2500 exclusive of GST

MOTION CARRIED

APPLICANT 15: Kulkalgal Choir

- Cr Nai declared a conflict of interest (COI) – Application # 15 – Kulkalgal Choir
 - COI details: Cr Nai has family member in the Choir
 - How the Councillor proposed to deal with the COI: Cr Nai remains in the room but did not vote.
- Cr Pearson declared a material personal interest (MPI) – Application # 15 – Kulkalgal Choir
 - MPI details: Cr Pearson is a member of the Choir
 - How the Councillor proposed to deal with the MPI: Cr Pearson left the room

RESOLUTION:

***Moved:* Cr Elisala; *Second:* Cr Bosun**

That Council resolves to provide Regional Grants support to the following applicant in accordance with the Community Grants policy:

15. Kulkalgal Choir for the eligible amount of \$2500 exclusive of GST

MOTION CARRIED

19. **12:39pm – 1:11pm** **COUNCIL MOVE INTO CLOSED BUSINESS**

RESOLUTION:

***Moved:* Cr Nai; *Second:* Cr Kaigey**

That in accordance with section 275 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:

- a) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

Further the public in attendance are asked to leave.

MOTION CARRIED

20. **COMMUNITY SERVICE – Vet Tender**

21. **BUSINESS SERVICE – Prequalified Suppliers**

1:11pm – 2:20pm – LUNCH BREAK

22. **OCEO – Cr Fell**

23. **BUSINESS SERVICE – Insurance Renewal**

24. CEO Update
- Feasibility

3:55pm – 4:05pm – AFTERNOON TEA

24. CEO Update
- Maritime Fees
 - TCICA Membership
 - CFO

25. 4:45pm – 4:50pm COUNCIL MOVE OUT OF CLOSED BUSINESS

RESOLUTION:

Moved: Cr ; Second: Cr

That Council move out of closed business.

MOTION CARRIED

20. COMMUNITY SERVICE – Vet Tender

RESOLUTION:

Moved: Cr Thaiday; Second: Cr Nai

That Council resolve to engage Katherine Vet Care Centre Pty Ltd to provide veterinary services in accordance with tender TSIRC2019-141.

MOTION CARRIED

21. BUSINESS SERVICE – Prequalified Suppliers

RESOLUTION:

Moved: Cr Pearson; Second: Cr Akiba

That pursuant to the *Local Government Act 2009* (Qld) and *Local Government Regulation 2012* (Qld), Council resolve to extend TSIRC 2017-100 Preferred Supplier Contracts for a further period of 3 months from 1 July 2019 to 30 September 2019 and delegate all power, financial and otherwise, to the Chief Executive Officer to execute agreements and approve purchase orders in accordance with the adopted budget.

MOTION CARRIED

23. BUSINESS SERVICE – Insurance Renewal

RESOLUTION:

Moved: Cr Sabatino; Second: Cr Nona

That Council resolves to authorise the Chief Executive Officer to enter into all contracts with Local Government Work care regarding workers compensation insurance for 2019/20 up to the 19/20 budgeted value of \$280,000 and do all things necessary to effect this policy of insurance, including making payment for the premium.

MOTION CARRIED

24. OCEO – TCICA Membership

RESOLUTION:

Moved: Cr Fell; Second: Cr Bosun

That Council resolves to authorise the Chief Executive Officer to approve payment for Council's annual membership to the Torres Cape Indigenous Council Alliance (TCICA), on the basis that Council is satisfied that there is only one supplier who is reasonably available in the circumstances.

MOTION CARRIED

26. 4:50pm – 4:50pm COUNCIL MOVE INTO TRUSTEE

RESOLUTION:

Moved: Cr Nai; Second: Cr Kaigey

That in accordance with Section 83 of the Local Government Act 2009 (QLD) management of Community Deeds of Grant in Trust, the meeting of the Trustee of Community DOGIT be convened and conducted as separate meetings from the Indigenous Regional Council.

MOTION CARRIED

27. 4:47pm – 5:00pm TRUSTEE – LEGAL – Kirriri RCTC Lease

Councillors are reminded to declare any personal interests relating to:

- Roman Catholic Trust Corporation (RCTC)
- Traditional owner interests at Hammond Island

- Cr Sabatino declared a conflict of interest (COI)
 - COI details: Cr Sabatino is a board member of the Catholic School Board
 - How the Councillor proposed to deal with the COI: Cr Sabatino left the room.

RESOLUTION:

Moved: Cr Fell; Second: Cr Pearson

1. That pursuant to the Aboriginal Land Act 1991 (Qld), the Trustee grant a standard lease to the Roman Catholic Trust Corporation for the Diocese of Cairns (RCTC), over lot 11 (8,572m²), lot 116 (1,688m²) and lot 115 (72m²) on SP248418, a total of 10,332m² at Hammond Island, for the operation of a Church and Presbytery (lot 11), School (lot 116) and a statue (lot 115), subject to native title future act validation (if required).

2. That the Trustee delegate to the Mayor the power to conclude the terms of the above lease.

3. That under section 257 of the Local Government Act 2009 (Qld) the Trustee delegate to the Mayor the power to decide the matter of whether native title future act validation is required for this lease.

MOTION CARRIED

5:13pm – Cr Sabatino comes back into the room

28. 5:14pm – 5:35pm TRUSTEE – LEGAL – Rent Methodology – Supermarkets and schools

Councillors are reminded to declare any personal interests relating to:

- Supermarket businesses in the local government area
- Community Enterprise Queensland/CEQ (IBIS)
- Traditional owner interests in IBIS sites at lama, Masig, Poruma, St Pauls, Kubin and Boigu
- Roman Catholic Trust Corporation (RCTC)
- Traditional owner interests in school site on Hammond Island
- Tagai State College (Department of Education)
- Traditional owner interests in school sites on Masig

- Cr Pearson declared a material personal interest (MPI)
 - MPI details: Cr Pearson has a current contract with IBIS
 - How the Councillor proposed to deal with the MPI: Cr Pearson left the room.

- Cr Sabatino declared a material personal interest (MPI)
 - MPI details: Cr Sabatino is a board member of the Catholic School Board and a Shop owner on Kirriri
 - How the Councillor proposed to deal with the MPI: Cr Sabatino left the room.

MLS spoke to this report. Following on from the May workshop, this report provides an opportunity for the Trustee to confirm which rent methodology will be applied to supermarket sites and school sites on Deed of Grant in Trust land.

Urgency: The Roman Catholic Trust Corporation (RCTC) has been told they may lose funding for the school and, as such, they are seeking a peppercorn lease as soon as possible.

From the above methodology, it is unclear what rent applies for a supermarket and what rent applies for a school site. Legal Services is seeking clarification from the Trustee in order to progress leases for various sites.

RESOLUTION:

Moved: Cr Toby; Second: Cr Thaiday

That the Trustee, for those communities where Council holds land under Deed of Grant in Trust, confirms that the following rent methodology applies to the following types of land use:

State school (Department of Education) campus:

- Residential/Community (\$4 per square metre per annum subject to annual CPI increase)

State school (Department of Education) accommodation:

- Commercial/Government (\$10.80* per square metre per annum subject to annual CPI increase. *Minimum starting rent of \$6,000p/a per lease shall apply.)

Private school campus and accommodation:

- ResidentialCommunity (\$4 per square metre per annum subject to annual CPI increase)

MOTION CARRIED

RESOLUTION:

Moved: Cr Toby; Second: Cr Nona

That the Trustee, for those communities where Council holds land under Deed of Grant in Trust, confirms that the following rent methodology applies to the following types of land use:

Supermarket:

- Commercial/Government (\$10.80* per square metre per annum subject to annual CPI increase. *Minimum starting rent of \$6,000p/a per lease shall apply.)

MOTION CARRIED

5:35pm – Cr Sabatino and Cr Pearson comes back into the room.

29. 5:35pm – 5:49pm TRUSTEE – LEGAL – Sub Lease - Erub Multipurpose facility

- Cr Toby declared a potential conflict of interest (COI)
 - COI details: Cr Toby is a TSRA Ranger
 - How the Councillor proposed to deal with the COI: Council determines Cr Toby does not have a COI and allows the Councillor to remain in the room. Cr Toby asked that his potential COI be recorded.

MLS spoke to this report. This report provides information to Council on the application by the TSRA for permission to grant two sub-leases of its Multi-Purpose facility on Erub. One lease is for the QPS and the other for the Erub PBC. The Council as Trustee granted the TSRA a head lease for the construction and use of the facility for a period of 30 years (1 May 2017 to 30 April 2047). Clause 16

allows the TSRA to grant sub leases with the approval of Council as Trustee, and the Trustee's consent cannot be unreasonably withheld.

RESOLUTION:

Moved: Cr Thaiday; Second: Cr Pearson

That pursuant to the Torres Strait Islander Land Act 1991 (Qld) and the terms of the head lease between Council as Trustee and the TSRA executed on 8 December 2017, that the Trustee gives its written consent to the issue of sub-leases by the TSRA to the QPS and Erubam Le RNTBC for office space in the Erub Multi-Purpose facility.

MOTION CARRIED

ACTION: MLS - Mayor asked for the Original Lease Agreement to be reviewed.

30. 5:49pm – 5:54pm TRUSTEE – LEGAL – Surrender LHA Lease – Cessa Asai

- Cr Pearson declared a conflict of interest (COI)
 - COI details: Cr Pearson is an in law to the Leasee
 - How the Councillor proposed to deal with the COI: Cr Pearson chose to leave the room.

Mayor Gela raised some concerns and asked Legal to explain the full consequences of the transfer to Ms Asai and what other options are available to her.

MATTER LEFT LYING ON THE TABLE

ACTION: MLS to further work with Ms Asai and explain the full consequences of the transfer and what other options are available to hers.

5:54pm – Cr Pearson comes back into the room.

31. 5:54pm – 5:55pm TRUSTEE – LEGAL - St Pauls Lot 123 - EOI

Due to Cr Levi's absent, the matter is adjourned to July OM.

32. 5:55pm – 5:58pm TRUSTEE – LEGAL – Trustee Policy Update

MLS spoke to the report; the purpose of the report is to present to Council, for endorsement, policies in the Legal Services area of responsibility that are due for review.

The following changes are recommended to bring this Policy up-to-date:

1. Paragraph 4(e): Amend to reflect the fact that where a template Infrastructure and Housing ILUA has been registered for the relevant community and applies to the relevant future act, Council must comply with that ILUA process. Council does not have the discretion, under the ILUA, to use an alternative future act validation process (such as section 24KA), unless Council first follows the ILUA process and the PBC does not provide its consent under the ILUA process.

2. Paragraph 9(c):

- a. Update to reflect the November 2018 delegation to the CEO to sign off on documents necessary to give effect to Katter leases.
- b. Update to include the decision-making process for the surrender of a Katter lease (which is proposed to be the same as for the transfer of a Katter lease).

Legal recommends setting a review date of 30 June 2021 for this Policy. However, if significant trustee policy decisions are made in the meantime, the Policy can be reviewed and updated earlier than that.

RESOLUTION:

Moved: Cr Nona; *Second:* Cr Akiba

That Council endorse the updated PO19 Trustee Policy, as presented, except for Hammond Island which is exempt.

MOTION CARRIED

33. 5:58pm – 5:58pm COUNCIL MOVE OUT OF TRUSTEE

RESOLUTION:

Moved: Cr Elisala; *Second:* Cr Kaigey

That Council move out of Trustee and resume Local Government meeting.

MOTION CARRIED

34. 5:58pm – 6:00pm Leave in Advance

The following Councillors applied for leave in advance;

- Cr Nai
- Cr Toby
- Cr Kaigey and
- Cr Bosun

35. 6:00pm – 6:02pm Next Ordinary Meeting Date

Cr Lui emailed to advise he will be at an international conference over the July OM dates.

Mayor Gela asked Councillors to express their interest in holding the July OM in their Division.

Cr Nona, Cr Thaiday and Cr Pearson expressed their interest. Council agree to hold the July OM in Division 5 - Badu pending availability of accommodation.

Date: 23 & 24 July 2019 Division 5 – Badu Island

The following Councillors gave apology for tomorrow's meeting.

- Cr Toby and
- Cr Nai

Mayor Gela in closing thanked everyone for their attendance and participation and invited Cr Pearson to close the meeting in prayer.

Meeting Closed at 6:05pm - Prayer by Cr Pearson

Present

Cr Fred Gela, Mayor
Cr Torenzo Elisala, Division 2 – Dauan
Cr Keri Akiba, Division 3 – Saibai
Cr Keith Fell, Division 4 – Mabuiag
Cr Laurie Nona, Division 5 – Badu
Cr David Bosun, Division 6 – Kubin Community at Mua Island
Cr Mario Sabatino, Division 8 – Kirriri
Cr Getano Lui Jnr, Division 9 – Iama
Cr Francis Pearson, Division 11 – Poruma
Cr Patrick Thaiday, Division 14 – Erub
Cr Bob Kaigey, Division 15 – Mer
Mr Bruce Ranga, Chief Executive Officer
Ms Jan Pool, Chief Operating Officer
Ms Hollie Faithfull, Chief Financial Officer
Mr Peter Krebs, Manager Legal Services
Ms Ursula Nai, Senior Executive Assistant

Apologies

Cr Dimas Toby, Division 1 – Boigu
Cr Clara Tamu, Division 10 – Warraber
Cr Rocky Stephen, Division 13 – Ugar
Cr John Levi, Division 7 – St Pauls Community at Mua Island
Cr Ted Nai, Division 12 – Masig
Mrs Kathy Cochran – Secretariat Officer

36. 9:00am – 9:05am Opening prayer and welcome by Deputy Mayor

Mayor welcomed everyone to the meeting. Mayor Gela welcomed Mr James Williams and introduced him to the Council and in response each Councillor introduced themselves individually..

37. 9:05am – 10:05am PRESENTATION 1: Mirabou ENERGY Renewable Micro – Grid Regional Energy Opportunities – Mr James Williams

Morning Tea – 10:05am – 10:30am

38. 10:30am – 1:00pm Mirabou Energy Renewable Micro continued their presentation.

Meeting Closed – 1:00pm