



Torres Strait Island
REGIONAL COUNCIL

OCTOBER 2019

MINUTES

ORDINARY MEETING

Monday 21 October 2019: 9:05am to 5:06pm
Thursday 22 October 2019: 9:10am – 12:00noon

AFL House, 53-57 Buchan Street, Portsmith, CAIRNS

Monday 20 October 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
Cr Laurie Nona, Division 5 – Badu
Cr David Bosun, Division 6 – Kubin Community, Mua Island
Cr John Levi, Division 7 – St Pauls Community, Mua Island
Cr Mario Sabatino, Division 8 – Kirriri
Cr Getano Lui Jnr, Division 9 – Iama
Cr Clara Tamu, Division 10 – Warraber (via telephone)
Cr Francis Pearson, Division 11 – Poruma
Cr Ted Nai, Division 12 – Masig
Cr Rocky Stephen, Division 13 – Ugar
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 (ACFO)
Mr Peter Krebs, Manager Legal Services (MLS)
Mr Luke Ranga, Head of Corporate Affairs and Engagement (HCAE)
Mr George Holland, Head of Engineering (HOE)
Ms Ursula Nai, Senior Executive Assistant (SEA)
Mrs Kathy Cochran – Secretariat Officer (SO)
Ms Naila Nomoa – Travel Officer (TO)

Apologies

1. **9:05am – 9:09am** **Opening Prayer by Cr Levi and Welcome by Mayor Gela**

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

Council observed a minute silence for family in sorry business.

Mayor Gela acknowledged and paid respect to

- The traditional owners and elders past and present for the land on which we meet.
- Councillors and Leaders around the table today
- CEO and staff.

SEA provided and update on the changes to the Agenda.

Cr Lui requested time on the Agenda to speak in relation to travel and accommodation.

2. **9:09am – 9:10am** **Apologies**

Cr Tamu is trying to dial in from Warraber.

Cr Fell has informed the Mayor he'll be attending however is running a little late.

3. **9:10am – 9:15am** **Declaration of Conflict of Interest (COI) or Material Personal Interest (MPI)**

- Cr Thaiday declared a conflict of interest (COI) for Agenda item 11. LEGAL – Erub Fees and charges waiver
 - COI details: Cr Thaiday is a member of the church restoration committee.
- Cr Pearson declared a conflict of interest (COI) for Agenda item 16. LEGAL – LHA transfer – TM Pearson
 - COI details: Cr Pearson is a close relative of the Lessee and the recipient.
- Cr Gela declared a conflict of interest (COI) for Agenda item 11. LEGAL – Erub Fees and charges waiver
 - COI details: Cr Gela has family members on the church restoration committee.

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

4. **9:15am – 9:16am** **Confirmation of September 2019 Ordinary Meeting Minutes**

RESOLUTION

Moved: Cr Nona: *Second:* Cr Elisala

That the minutes of the Ordinary Meeting held in September 2019 be adopted as a true and accurate record of that meeting.

MOTION CARRIED

5. **9:16am – 9:44am** **Outstanding Strategic Ordinary Meeting Action Items**

1. Sub Lease – letter to TSRA – Nov 19
2. Boigu church – item to be added to deputation with Warren Entsch – Nov 19
3. Extension of Preferred Suppliers - Supply Councillors with full list of Suppliers - close
4. Sub Lease – Saibai Safety facility – MLS to add a condition to the lease – Nov 19
5. Utility Charges Waiver – home business - ongoing
6. Close the loop holes with residential and commercial fees and charges – Nov workshop
7. Info report from People and wellbeing to include staff retention rates and other info as requested by the Mayor – Nov 19
8. Top 5 Debtors – workshop in October - close
9. Audit Report – CEO to provide Councillors with QAO email - Ongoing
10. Budget – CEO to circulate an email to all staff recognising the work they do - close
11. Funding – Regional Road Group – update – Nov 19
12. Belcarra - close
13. December OM date – close
14. Telstra network – lama – update Nov 19

9:33am - Cr Tamu dials in and joins the meeting via telephone.

ACTION: HCAE to add Boigu Church to deputation with Warren Entsch

ACTION: COO will provide SEA with a USB of the full list then distribute to Councillors

ACTION: SEA to add to the agenda to workshop

ACTION: SOO to add both action items

ACTION: Update the Regional Road Group action to read – CEO to 1. Join the current Regional Road Group by becoming a member and 2. Undertake due diligence around TCICA's proposal.

6. **9:44am – 9:45am** **SARG Update – Verbal**

Mayor Gela informs Council the update is in the Information Report package and encourages Councillors to note the report.

7. **9:45am – 9:45am** **Standing Agenda Items**

- Undocumented commercial land occupation project (verbal) – no changes or update.

8. **9:45am – 10:00am** **COO – Project Rollout – Fuel Depot Compliance**

COO spoke to this report, the purpose of this report is to provide information only to Council on the material change of use and redevelopment of lot 67 on SP249793, identified as the Mer SES shed site as a fuel depot which will be compliant, safe and convenient for Mer residents within a realistic timeframe.

Cr Kaigey is in support of the project. Cr Sabatino asked in relation to the funding.

Cr Fell ask if these facilities will be automated and if it's in the scope of relocating these facility to a move visible location in community (theft issue)

COO informs we are currently looking at funding options and that there are two parts to the project;

1. Compliant
2. Stop standard design in consultation with the respective Councillor.

Cr Akiba mentions the Saibai Island fuel bowser and EPA compliance.

Cr Sabatino asked when we increase the tanks capacity, are we upgrading the bund wall to suit and comply. The Councillors should also be involved.

CEO informs Council, that Councillor at Mer and Ugar have been part of the process.

MLS clarified Native title. Cr Elisala asked about WHS for users of the facility, time frame for rollout of the project and if a shade cover will be built over the pump to protect the asset and the users in our extreme climate conditions.

10:00 – 10:30am – Morning Tea Break

9. 10:30am – 10:51am COO – Lease of Residential Accommodation - Cairns

COO spoke to this report, the purpose of this report is to provide Council with an update on the lease of the residential accommodation endorsed by Council in the November 2018 and to seek the endorsement of the Council for the Chief Executive Officer to sign a second 12 month lease of residential accommodation for the use by staff from our region who regularly travel to Cairns on employment related business.

Cr Fell asked if the accommodation can be utilised by community member and if so fees and charges will need to be set.

Cr Lui asked about the Transitional Action Plan (TAP) and the status and raised concerns of public perception. Mayor Gela suggested this item (TAP) be discussed in camera.

10. 10:51am – 10:56am LEGAL SERVICES – Delegation Register Update

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

RESOLUTION:

Moved: Cr Fell; *Second:* Cr Bosun

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:

- ***Waste Reduction and Recycling Regulation 2011:*** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 1**.
- ***Environmental Protection Regulation 2019:*** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 2**.

MOTION CARRIED

11. 10:56pm – 11:11pm LEGAL SERVICES – Lease for Lot 623 - Badu

MLS spoke to this report. The purpose of the report is to provide information to Council on the application by Mura Badulgal RNTBC as Trustee for Badu to raise the annual rent for Lot 623 on SP253545.

Councillors recommended discussing the matter in Closed Business.

12. 11:11am – 11:27am LEGAL SERVICES – Erub Fees and Charges - Waiver

- Cr Patrick Thaiday declared a conflict of interest (COI)
 - COI details: Cr Thaiday is on the Church's restoration committee
 - How the Councillor proposed to deal with the COI: Cr Thaiday left the room and did not vote.
- Mayor Fred Gela declared a conflict of interest (COI)
 - COI details: Mayor Gela has close relatives who are on the Church's restoration committee
 - How the Councillor proposed to deal with the COI: Mayor Gela left the room and did not vote.
- Cr Getano Lui Jnr declared a conflict of interest (COI)
 - COI details: Cr Lui has close relative who are members of the Church's restoration committee and one is a warden of the Church
 - How the Councillor proposed to deal with the COI: Cr Lui left the room and did not vote.
- Cr Rocky Stephen declared a conflict of interest (COI)
 - COI details: Cr Stephen has close relatives who are members of the Church's restoration committee.
 - How the Councillor proposed to deal with the COI: Cr Stephen left the room and did not vote.

11:27 am: Cr Thaiday, Mayor Gela, Cr Stephen and Cr Lui left the room due their COI. Mayor Gela delegated the Chair role to Cr Fell.

RESOLUTION:

Moved: Cr Nai; *Second:* Cr Sabatino

Against: Cr Nona, Cr Bosun and Cr Tamu

That Council agrees to the waiver of the Development Application Fee (DA Reference Number: DA08-19-14(1)) of \$1831.00 (invoice number INV022299) regarding the All Saints Church on Erub.

MOTION CARRIED

11:46am: Councillors re-joined the meeting and Mayor Gela resumes the Chairs role.

13. 11:47am –11:50am LEGAL SERVICES – Mer CSP – Development Application

MLS spoke to this report.

RESOLUTION:

Moved: Cr Kaigey; *Second:* Sabatino

That Council issue a Development Permit for 'Reconfiguration of a Lot' with the inclusion of the conditions set out in Part 6 of the Agenda Report for Mer Community Survey Program, Mer Qld 4875.

MOTION CARRIED

14. 11:50am – 11:51am COUNCIL MOVE INTO TRUSTEE

RESOLUTION:

Moved: Cr Elisala; *Second:* Cr Fell

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

15. 1:51am – 12:00noon TRUSTEE – LEGAL – LHA Transfer – LR Guise

MLS spoke to this report. This report provides information to Council on the application for the transfer of a Katter lease from Epesia Hankin to Louisa Ruth Guise.

As trustee for Mabuiag Island Deed of Grant in Trust, it is TSIRC's role to provide consent to an LHA lease transfer. This report is for the Trustee to consider providing consent to the lease transfer.

Council decided to leave the matter lying on the table until approval is received from Ephesian Hankin.

ITEM LEFT LYING ON THE TABLE

ACTION: MLS to have further discussion with Mr Hankin

12:00noon – 1:05pm – LUNCH

16. 1:05pm – 1:11pm TRUSTEE – LEGAL – LHA Transfer – TM Pearson

- Cr Francis Pearson declared a conflict of interest (COI)
 - COI details: Cr Pearson is a very close relative of the applicant and Lessee.
 - How the Council proposed to deal with the COI: Cr Pearson remained in the room and did not vote.

- Cr Clara Tamu declared a conflict of interest (COI)
 - COI details: Cr Tamu is sister-in-law to Phyllis Pearson.
 - How the Council proposed to deal with the COI: Cr Tamu delegate veto to Mayor Gela and can remain in the room but did not vote.

MLS spoke to this report. This report provides information to Council on the application for the transfer of a Katter lease from Harold and Phyllis Pearson to Tony Harold Pearson.

As trustee for Warraber Island Deed of Grant in Trust, it is TSIRC's role to provide consent to an LHA lease transfer. This report is for the Trustee to consider providing consent to the lease transfer.

RESOLUTION:

Moved: Cr Fell; *Second:* Cr Levi

That pursuant to the Aboriginal and Torres Strait Islander Land Holding Act 2013 (Qld), the Council as Trustee consent to the transfer of the Land Holding Act (Katter) lease 717416583 from Harold Pearson and Phyllis Pearson to Tony Harold Pearson for 32 Aikuru Street (Lot 23 on SP270859) on Warraber.

MOTION CARRIED

17. 1:11pm – 1:14pm TRUSTEE – LEGAL – LHA Transfer – E Dorante

- Mayor Gela declared a conflict of interest (COI)
 - COI details: Mayor Gela's wife is close relatives of George Dorante.
 - How the Council proposed to deal with the COI: Mayor Gela delegates the Chair of the meeting to Cr Fell and remained in the room and did not vote.
- Cr Rocky Stephen declared a conflict of interest (COI)
 - COI details: Cr Stephen is a relative of George Dorante.
 - How the Council proposed to deal with the COI: Cr Stephen remained in the room and did not vote.

MLS spoke to this report. This report provides information to Council on the application for the transfer of a Katter lease from George Dorante to Eugene Dorante.

As trustee for Hammond Island Deed of Grant in Trust, it is TSIRC's role to provide consent to an LHA lease transfer. This report is for the Trustee to consider providing consent to the lease transfer.

RESOLUTION:

Moved: Cr Elisala; *Second:* Cr Levi

That pursuant to the Aboriginal and Torres Strait Islander Land Holding Act 2013 (Qld), the Council as Trustee consent to the transfer of the Land Holding Act (Katter) lease 719104941 from George Dorante to Eugene Dorante for 34 Louis Road (Lot 34 on SP248418) on Hammond Island.

MOTION CARRIED

18. 1:14pm – 1:14pm COUNCIL MOVE OUT OF TRUSTEE

RESOLUTION:

Moved: Cr Levi; *Second:* Cr Elisala

That Council move out of Trustee business and reconvene as an Indigenous Regional Council.

MOTION CARRIED

19. 1:14pm – 4:17pm COUNCIL MOVE INTO CLOSED BUSINESS

RESOLUTION:

Moved: Cr Fell; *Second:* Cr Nai

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 were asked to leave.

MOTION CARRIED

20. ENGINEERING – Coastal Hazard Adaptation Study (CHAS) – Phase 3

21. ENGINEERING – Mer Water Lagoon Cover

22. CORPORATE AFFAIRS – Project Tagai

23. OCEO – Human Resources – TSIRC Resignation – Information Report

- Kathy Cochran (Secretariat officer) declared a conflict of interest (COI)
 - COI details: Kathy Cochran is a delegate for the Service Union.
 - How the Council proposed to deal with the COI: Kathy left the room

2:05pm
3:05pm

Mayor Gela asked for all staff to leave the room expects the CEO.
Staff re-joined the meeting.

3:05pm – 3:30pm – Afternoon Tea

24. OCEO – Transitional Action Plan (TAP)
25. LEGAL SERVICES – Lease for Lot 623 on SP253545 on Badu

26. **4:17pm – 4:18pm** **COUNCIL MOVE OUT OF CLOSED BUSINESS**

RESOLUTION:

Moved: Cr Elisala; *Second:* Cr Levi
That Council move out of Closed Business.

MOTION CARRIED

20. **ENGINEERING – Coastal Hazard Adaption Study (CHAS) – Phase 3**

RESOLUTION:

Moved: Cr Levi; *Second:* Cr Pearson

Pursuant to the Local Government Act 2009 and Local Government Regulation 2012, that Council resolve to adopt the recommendations of this report and:

- Approve an increase of \$73,100 for the Phase 3 works of the CHAS project, in conjunction with a revised funding agreement from DES and LGAQ to cover the same increase
- Sole source the Phase 3 works with GHD for a total \$245,090 to continue the earlier works already completed by GHD in Phases 1 and 2.
- Delegate authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to negotiate, finalise and execute all matters associated with payment of invoices under this arrangement.

MOTION CARRIED

21. **ENGINEERING – Mer Water Lagoon Cover**

RESOLUTION

Moved: Cr Sabatino; *Second:* Cr Toby

Pursuant to the Local Government Act 2009 and Local Government Regulation 2012, that Council resolves to:

Adopt the recommendations of this report and approve payment of the contractor's \$200,000 invoice No.00012122 and subsequent progress invoices up to the allocated ICCIP funding total of \$750,000 (ex GST).

- Delegate authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to negotiate, finalise and execute any and all matters associated with payment of invoices under this arrangement.

MOTION CARRIED

22. CORPORATE AFFAIRS – Project Tagai

RESOLUTION:

Moved: Cr Fell; Second: Cr Nai

That Council resolves to delegate authority to the Chief Executive Officer (CEO) to pursue the following;

- 1. Enter into a commercial lease arrangement as referenced within the detailed actions of this report**
- 2. Enter into a commercial contract to purchase as referenced within the detailed actions of this report.**

MOTION CARRIED

ACTION: Keep TAP on the Agenda as an Information report; update anything significant, how things are tracking and the progress with TAP. Budget and KPI needs to be cascaded down through the leaders in that space.

ACTION: HR to provide a full report from Training as and information report each month.

ACTION: SEA to arrange during the workshop for Councillors and their wife to attend a dinner together.

ACTION: The team to look at the Policy and the Policy framework for Councillors and Executives;

- travel – there should be a policy around Councillors travel
- Accommodation - allow provisions for when Councillors stay privately in the region and in Cairns.
- Revisit the Policy around Councillors and Executives flights and do a refresher at the workshop.

ACTION: Councillors to confirm with Naila and Ursula information regarding your spouse and motel preferences for November.

ACTION: CEO/David Lennie to have negotiation with AVIS for Hire vehicles. (Local Buy)

27. 4:18pm – 4:20pm LEGAL SERVICES – Lease for Lot 623 on SP253545 on Badu

RESOLUTION:

Moved: Cr Nai; Second: Cr Pearson

That Council delegates to the Chief Executive Officer (CEO) the power to negotiate a lesser rental rate but not exceed the amount of \$23, 4000.00 per annum.

MOTION CARRIED

28. 4:20pm – 4:23pm Leave in Advance

The following Councillors applied for leave in advance for the November 2019 OM;

- Cr Nai
- Cr Tamu

29. 4:23pm - General Business

Council donated \$2500 to the AFL House.

Cr Elisala mentioned the official opening the new helipad and raised the helicopter subsidy again.

Cr Lui wanted an explanation regarding how CEQ operates – CEO explains performance bonus and how the board sets the flavour. Cr Sabatino if that bonus is paid down to the Managers and staff across the region too.

Cr Fell raised IBIS prices and asked for the CEO to raise that concern with someone in IBIS.

Cr Fell raised the fuel issue on Mabuiag and the air-conditioning in the hall is still tripping out.

ACTION: COO to follow-up on both the fuel issue and air-conditioning issue on Mabuiag and update Cr Fell.

HCAE mentioned the NQ Sporting Foundation and the need to have two councillors on the Board.

ACTION: HCAE (Luke) to circulate to the Councillors the Terms of Reference for the NQ Sporting Foundation Board and find out their next meeting date.

ACTION: Councillors to send their nomination to Luke.

Cr Lui raised a question in regards to the Indigenous Procurement Policy, are we still developing one.

Mayor Gela informed Council himself and the Deputy Mayor together with the CEO and Cr Sabatino will be going to Brisbane tonight for deputations with Ministers. Cr Lui has agreed to chair day two of the meeting.

30. 4:58pm – 5:06pm Next Ordinary Meeting Date

Councillors Workshop:

Date: Monday 11th November – Friday 22nd November
Venue: Cairns – AFL House, 53-57 Buchan Street, Portsmith, CAIRNS

November Ordinary Meeting:

Date: 18 & 19 November 2019
Venue: AFL House, 53-57 Buchan Street, Portsmith, CAIRNS

Meeting Closed at 5:06pm - Prayer by Mayor Gela

Present

Cr Dimas Toby, Division 1 – Boigu
Cr Torenzo Elisala, Division 2 – Dauan
Cr Keri Akiba, Division 3 – Saibai
Cr Laurie Nona, Division 5 – Badu
Cr David Bosun, Division 6 – Kubin Community at Mua Island
Cr John Levi, Division 7 – St Pauls Community at Mua Island
Cr Getano Lui Jnr, Division 9 – Iama
Cr Francis Pearson, Division 11 – Poruma
Cr Ted Nai, Division 12 – Masig
Cr Rocky Stephen, Division 13 – Ugar
Cr Bob Kaigey, Division 15 – Mer
Ms Hollie Faithfull, Chief Financial Officer
Mr Peter Krebs, Manager Legal Services
Ms Ursula Nai, Senior Executive Assistant
Mrs Kathy Cochran – Secretariat Officer
Ms Naila Nomoa – Travel Officer, OCEO

Apologies

Cr Fred Gela, Mayor
Cr Keith Fell, Division 4 – Mabuyag
Cr Mario Sabatino, Division 8 – Kirriri
Cr Clara Tamu, Division 10 – Warraber
Cr Patrick Thaiday, Division 14 – Erub
Mr Bruce Ranga, Chief Executive Officer
Ms Jan Pool, Chief Operating Officer

31. 9:10am – 9:12am Opening prayer and welcome

Deputy Mayor welcomed everyone to the meeting and invited Cr Levi to open the meeting in prayer.

32. 9:12am – 10:20am PRESENTATION 1: Ms Julia Yorkston – Manager Social Justice Group and Gin Bin Juda – Manager, Lena Passi Women's Shelter.

Morning Tea – 10:20am – 10:45am

33. 10:45am – 11:40am PRESENTATION 2: Department of Health - Mr Mathew Dick, Project concept to broaden scope of Healthy Lifestyle officer (HLO).

- Cr Bob Kaigey declared a conflict of interest (COI)
 - COI details: Cr Kaigey is Ella Kris partner. Ella manages the HLO's
 - How the Council proposed to deal with the COI: Cr Kaigey can remain in the room.

Funding of \$75k is only available until June 2020. Councillors suggested the funds be spent on sporting equipment. HLO's can develop varied activities to improve healthy outcomes instead of employing another position.

ACTION: SEA to invite Ayleen Grogan and Dr Janet Young (Chief Health Officer) to speak at the November workshop.

34. 11:40am – 11:55pm PRESENTATION 3: Mr Chris Wright – Anglican Diocese of North Queensland. Erub Church Lease and restoration work on all Saints Church.

35. 11:55pm – 12:00pm Closing Remarks

Cr Lui invited Ursula to brief Councillors on travel arrangements for the November workshop. Councillors to supply name of spouse, island travelling from, date for forward and return journey, accommodation and hire care preference.

Cr Lui thanked Councillors for their attendance and participation and closed the meeting in a word of prayer.

Meeting Closed – 12:00noon