



Torres Strait Island
REGIONAL COUNCIL

MINUTES

ORDINARY MEETING

Tuesday 20 February 2018: 9:00am to 5:00pm
Wednesday 21 February 2018: 9:00am to 12:00pm

Videoconference - VMR #3 - 0292 970 555

Tuesday 20 February 2018

Present

Cr Fred Gela, Mayor (TI office)
Cr Torenzo Elisala, Division 2 – Dauan Island (on phone)
Cr Keri Akiba, Division 3 – Saibai Island (video conference - Saibai)
Cr Keith Fell, Division 4 – Mabuiag Island (TI office)
Cr Laurie Nona, Division 5 – Badu Island (on phone)
Cr Bosun, Division 6 – Kubin Community at Moa Island (video conference - Kubin)
Cr John Levi, Division 7 – St Pauls Community at Moa Island (video conference – St Pauls)
Cr Mario Sabatino, Division 8 – Kiririri Island (on phone)
Cr Clara Tamu, Division 10 – Warraber Island (Cairns office)
Cr Ted Nai, Division 12 – Masig Island (Cairns office)
Cr Stephen, Division 13 – Ugar (Cairns office – joined at 2.40pm)
Cr Patrick Thaiday, Division 14 – Erub Island (video conference - Erub)
Cr Bob Kaigey, Division 15 – Mer Island (video conference - Mer)
Mr Bruce Ranga, Chief Executive Officer (CEO) (TI office)
Mr Chris McLaughlin, Executive Manager Corporate Services (EMCS) (Cairns office)
Ms Melissa Barmettler, Executive Manager Financial Services (EMFS) (Cairns office)
Mr David Baldwin, Executive Manager Engineering Services (EMES) (Cairns office)
Mr Geoff Prior, Acting Executive Manager Housing Services (EMHS) (Cairns office)
Mr David Abednego, Executive Manager, Community Services (EMoCS) (TI office)
Ms Lorna Bowie, Senior Executive Assistant (SEA) (Cairns office)
Mrs Kathy Cochran – Secretariat Officer (SO) (Cairns office)

Apologies

Cr Francis Pearson, Division 11 – Poruma Island (from 11.45am onwards)
Cr Dimas Toby, Division 1 – Boigu Island
Cr Getano Lui Jnr, Division 9 – Iama

1. **9:15am – 9:16am** **Opening Prayer by Cr Fell and Welcome by Mayor Gela**

Mayor Gela, Welcome and Opening Remarks

Mayor Gela, welcomed everyone and acknowledged the traditional owners of the land in which we're meeting across Zenadth Kes and paid respects to elders past, present and future. Mayor acknowledged Councillors, Executive Managers and staff, he thanked them for their participation and attendance.

2. **9:16am – 9:26am** **Apologies**

- Cr Getano Lui, Division 9 – Iama (Mayor Gela – proxy)
Cr Lui's wife is being discharged from Hospital today.

RESOLUTION

Moved: Cr Fell; Second: Cr Nai

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

MOTION CARRIED

- Cr Dimus Toby, Division 1 – Boigu Island (Mayor Gela – proxy)
Cr Toby's has sorry business in the family and is currently in Cairns.

RESOLUTION

Moved: Cr Nai; Second: Cr Fell

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

MOTION CARRIED

- Cr Rocky Stephen, Division 13 – Stephen Island (Mayor Gela – proxy)
Cr Stephen is attending a Uni class this morning and should be in attendance at this meeting around 11am.

RESOLUTION

Moved: Cr Fell; Second: Cr Thaiday

That Council accepts the apology from Cr Stephen for his absence at this meeting, on the condition that he attends the meeting at 11am or it will be considered leave without pay.

MOTION CARRIED

- Cr Francis Pearson, Division 11 – Poruma Island
Cr Pearson is currently in attendance, however he will need to leave at midday to catch a flight to Cairns for a medical appointment.

RESOLUTION

Moved: Cr Nona; Second: Cr Levi

That Council accepts the apology from Cr Pearson, and is granted leave from midday today to attend his medical appointment in Cairns

MOTION CARRIED

3. **9:26am – 9:27am** **Declaration of Conflict of Interest (COI) or Material Personal Interest (MPI)**

No disclosure at this time. Councillors have the opportunity to make a disclosure during the meeting.

4. **9:27am – 9:28am** **Confirmation of December 2017 Ordinary Meeting Minutes**

RESOLUTION

Moved: Cr Levi Second: Cr Nona

That the minutes of the Ordinary Meeting held in December 2017 be adopted as a true and accurate record of that meeting.

MOTION CARRIED

5. **9:28am – 9:36am** **Outstanding Strategic Ordinary Meeting Action Items**

1. Briefing note – Revaluation – it's a closed business report
2. Fuel and Gas – EMCS and his team are currently working out the issue and should have it finalised by the end of this week. CEO can then make a call on the pricing. We are looking at savings of up to half a million dollars.
3. Cr Sabs – June 16 – compliance and reporting around vessels and mooring – to be discussed in closed business

6. **9:36am - 9:36am** **OFFICE OF CEO – Traditional Visits – future events**

CEO spoke to this report . This item is parked to the end of the meeting

7. **9:36am- 10:06am** **FINANCE – Regional Grants Round 3**

EMFS spoke to this report. The purpose of the report is to present to Council for decision, the Regional Grants Applications for Round Three. Applications have been received from:

1. RaW Fitness Productions TSI for the eligible amount of \$2,245.03 exclusive of GST
2. Waibene Netball Club for the eligible amount of \$2,500.00 exclusive of GST
3. Mulga Tigers Rugby League Football Club – Senior Men's Team for the eligible amount of \$2,500.00 exclusive of GST
4. Mulga Tigers Rugby League Football Club – Women's Team for the eligible amount of \$2,500.00 exclusive of GST
5. Mulga Tigers Rugby League Football Club – Junior Team for the eligible amount of \$2,500.00 exclusive of GST
6. Boigu Island Group of Cairns (application 1) for the eligible amount of \$2,500.00 exclusive of GST
7. Boigu Island Group of Cairns (application 2) for the eligible amount of \$2,500.00 exclusive of GST
8. William Akee for the eligible amount of \$203.00 exclusive of GST
9. Iama Youth Group for the eligible amount of \$2,500.00 exclusive of GST

EMFS went through each of the applications;

Applicant 1 – RaW Fitness Productions TSI

RaW Fitness Productions TSI are seeking financial assistance of \$2,245.03 towards their 'Active Badu Community' program. This program provides fitness classes and training to members of the Badu community including Body Fit, Body Combat and Cross Fit. A mini Cross Fit competition will also be held, to encourage participation in a healthy lifestyle in a fun environment. These activities are provided to community members free-of-charge.

Council has not previously funded this applicant. The application is deemed eligible under the Community Grants and Donations Procedure and meets the assessment criteria.

RESOLUTION

Moved Cr Levi , Second Cr Nai

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

1. **RaW Fitness Productions TSI for the eligible amount of \$2,245.03 exclusive of GST**

MOTION CARRIED

9:39am – 9:45am - EMCS informed Council that the Supreme Court had just handed down their decision in the Appeal of Dorante and Sabatino. The Appeal was won with cost awarded, subject to appeal. EMCS briefs Council on how this will impact on the Katter leases, LHA leases, perpetual leases and Native Title. Council applauded the decision.

9:45am – 10:06am **FINANCE – Regional Grants Round 3**

Applicant 2 – Waibene Netball Club

Waibene Netball Club are seeking financial assistance of \$2,500.00 towards travel costs for players to attend the Sharon Finnan Development Cup in Cairns, July 21 & 22 2018.

Players originate from multiple TSIRC divisions, including Badu, Iama, St Pauls, Mer, Warraber and Mabuia. A list of players and their islands of origin have been provided in Appendix 2.

Council has previously provided the following financial assistance to Waibene Netball Club: Regional Grant of \$2,500.00 towards the costs of players attending the Sharon Finnan Development Cup in April 2017.

The application is deemed eligible under the Community Grants and Donations Procedure and meets the assessment criteria.

- Cr Tamu declared a potential conflict of interest (COI)
 - COI details: Cr Tamu's granddaughter is in the team.
 - How the Councillor proposed to deal with the COI: Cr Tamu did not vote.

- Cr Nona declared a potential conflict of interest (COI)
 - COI details: Cr Nona may have family in the team.
 - How the Councillor proposed to deal with the COI: Cr Nona did not vote.

RESOLUTION

Moved Cr Nona , Second Cr Pearson

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

- 2. Waibene Netball Club for the eligible amount of \$2,500.00 exclusive of GST**

MOTION CARRIED

Applicant 3 – Mulga Tigers Rugby League Football Club – Senior Men's team

Mulga Tigers Rugby League Football Club – Senior Men's team are seeking financial assistance of \$2,500.00 towards the cost of purchasing new equipment and gear for the team.

Council has previously provided the following financial assistance to Mulga Tigers Rugby League Football Club – Senior Men's team:

- Regional Grant of \$2,500 towards the cost of purchasing new jerseys in February 2017
- \$10,000 contributed from Badu Community Grants in June 2016 towards the cost of attending various Rugby League events
- \$1,000 contributed from Badu Community Grants in May 2014 towards transport, uniforms and sporting gear for the Thursday Island local competition
- \$1,352.25 contributed from Badu Community Grants in August 2013 towards insurance costs

- \$1,300 contributed from Badu Community Grants in October 2013 towards application fees to attend Torres Strait Cup

The application is deemed eligible under the Community Grants and Donations Procedure and meets the assessment criteria.

- Cr Bosun declared a potential conflict of interest (COI)
 - COI details: Cr Bosun is one of the coaching staff
 - How the Councillor proposed to deal with the COI: Cr Bosun did not vote.

RESOLUTION

Moved Cr Bosun , Second Cr Pearson

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

- 3. Mulga Tigers Rugby League Football Club – Senior Men’s Team for the eligible amount of \$2,500.00 exclusive of GST**

MOTION CARRIED

Applicant 4 – Mulga Tigers Rugby League Football Club – Women’s team

Mulga Tigers Rugby League Football Club – Women’s team are seeking financial assistance of \$2,500.00 towards the cost of purchasing new jerseys.

Council has not previously funded this applicant.

The application is deemed eligible under the Community Grants and Donations Procedure and meets the assessment criteria.

RESOLUTION

Moved Cr Tamu , Second Cr Akiba

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

- 4. Mulga Tigers Rugby League Football Club – Women’s Team for the eligible amount of \$2,500.00 exclusive of GST**

MOTION CARRIED

Applicant 5 – Mulga Tigers Rugby League Football Club – Junior team

Mulga Tigers Rugby League Football Club – Junior team are seeking financial assistance of \$2,500.00 towards the cost of purchasing new gear for the team.

Council has previously provided the following financial assistance to Mulga Tigers Rugby League Football Club – Junior team:

- Regional Grant of \$2,500 in February 2017 towards purchase of sporting equipment
- \$5,000 contributed from Badu Community Grants in June 2016 towards purchase of sporting equipment

The application is deemed eligible under the Community Grants and Donations Procedure and meets the assessment criteria.

RESOLUTION

Moved Cr Fell , Second Cr Nai

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

- 5. Mulga Tigers Rugby League Football Club – Junior Team for the eligible amount of \$2,500.00 exclusive of GST**

MOTION CARRIED

Applicant 6 – Boigu Island Group of Cairns (application 1)

Boigu Island Group of Cairns are seeking financial assistance of \$2,500.00 towards the cost of materials and costumes for traditional dancing at the Commonwealth Games event in Cairns, 24th April 2018.

Boigu Island Group of Cairns have been offered the opportunity to represent their community and the Torres Strait at this event by performing traditional dances. As this event will be attended by people from across Australia and the world, Boigu Island Group of Cairns will be promoting Torres Strait culture to a wide audience. This may also open further opportunities for this group to perform at future events.

Council has previously provided the following financial assistance to Boigu Island Group of Cairns:

- Community Grants of \$1,500 and \$540 towards the cost of the Boigu Island Group of Cairns cultural celebrations in December 2017 and January 2018.

The application is deemed eligible under the Community Grants and Donations Procedure and meets the assessment criteria.

RESOLUTION

Moved Cr Nona , Second Cr Akiba

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

- 6. Boigu Island Group of Cairns (application 1) for the eligible amount of \$2,500.00 exclusive of GST**

MOTION CARRIED

Applicant 7 – Boigu Island Group of Cairns (application 2)

Boigu Island Group of Cairns are seeking financial assistance of \$2,500.00 towards the cost of travel for selected elders and community members to travel to Cairns to assist with the preparation of costumes for traditional dancing at the Commonwealth Games event in Cairns, 24th April 2018.

Boigu Island Group of Cairns have been offered the opportunity to represent their community and the Torres Strait at this event by performing traditional dances. As this event will be attended by people from across Australia and the world, Boigu Island Group of Cairns will be promoting Torres Strait culture to a wide audience. This may also open further opportunities for this group to perform at future events.

Council has previously provided the following financial assistance to Boigu Island Group of Cairns:

- Community Grants of \$1,500 and \$540 towards the cost of the Boigu Island Group of Cairns cultural celebrations in December 2017 and January 2018.

The application is deemed eligible under the Community Grants and Donations Procedure and meets the assessment criteria.

RESOLUTION

Moved Cr Fell , Second Cr Nai

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

- 7. Boigu Island Group of Cairns (application 2) for the eligible amount of \$2,500.00 exclusive of GST**

MOTION CARRIED

Applicant 8 – William Akee

William Akee is seeking financial assistance of \$203.00 towards the cost of purchasing tools and materials for arts and crafts at the Parish of St James Church.

Council has not previously funded this applicant.

The application is deemed eligible under the Community Grants and Donations Procedure and meets the assessment criteria.

RESOLUTION

Moved Cr Fell , Second Cr Tamu

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

- 8. William Akee for the eligible amount of \$203.00 exclusive of GST**

MOTION CARRIED

Applicant 9 – Iama Youth Group

Iama Youth Group are seeking financial assistance of \$2,500.00 towards the cost of groceries and materials for a Family Fun Day to be held 3rd March 2018.

Council has not previously funded this applicant.

The application is deemed eligible under the Community Grants and Donations Procedure and meets the assessment criteria.

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:

- 9. Iama Youth Group for the eligible amount of \$2,500.00 exclusive of GST**

MOTION CARRIED

Cr Sabatino raised the issue of multiple application from the same organisation, this should be considered in the Policy review at the workshop.

ACTION: SEA to send a copy of the Regional Grants Policy to all Councillors

ACTION: SEA to place on the Workshop Agenda the Regional Grants Policy for review

10:06am – 10:30am – Morning Tea Break

8. 10:47am – 10:51am FINANCE – Reserve Policy

EMFS spoke to this report. The purpose of this report is to present to Council for adoption the following items:

- Reserve Policy (PO18),
- Creation of DOGIT Trustee Reserves and
- Transfer of DOGIT revenue to reserves.

Council has requested revenue from DOGIT land be captured and constrained for the specific purpose of utilising funds for the maintenance and enhancement of the DOGIT. Council Officers have reviewed historical transactions and leasing registers to establish the amount received to date. The table in the report provides detail of lease revenue raised by Council as Trustee since 2008.

It is relevant to note that there is no external requirement to record and report DOGIT lease revenue separately, other than Clause 1.4 of “Leasing Torres Strait Islander Deed of Grant in Trust Land – A Manual for Trustees” which states:

After the grant of a lease:

- *payment received from a lease of land must be spent by the trustees on the maintenance or enhancement of the DOGIT land*

EMFS explains to Council, the funds will still sit in Council’s consolidated funds, however it will be quarantined and carried over year to year. Cr Fell asked why Mabuiag was in the first list and not the third. EMFS advised that the first resolution is to create a reserve for each DOGIT community and third resolution transfers funds received to date. Mabuiag currently has no revenue raised from DOGIT lease revenue.

Mayor suggested we look at the Methodology on other lease arrangements. Cr Sabatino suggested we need to have further conversation and develop procedures around how we disperse these funds, look at licences to operate and formulate the leases and ensure they are coded to clearly identify the expenditure. EMFS advised Council that we are governed by Local Govt Act and it still has to be for the specific purpose as stated – improvement and or enhancement of the DOGIT. Council had a robust discussion around the legalities of where the funds should sit and the Trustees’ and the Local Government’s position. EMCS explains and clarifies the legal advice received from King & Co. Cr Sabs ask if we can formulate a matrix that’s separate to the Local Government.

ACTION: EMCS – have the legal team give advise around Trustee.

ACTION: CEO and Team – to canvas a range of option. Needs to have comprehensive procedures around access and disbursement of the funds. Look at the options, audit, transparency and different scenarios.

RESOLUTION

Moved: Cr Sabatino Second: Cr Thaiday

- 1. That Council adopt Reserve Policy (PO18).***
- 2. That Council resolves to establish the following reserves:***
 - a. Boigu – DOGIT Trustee Reserve***
 - b. Dauan – DOGIT Trustee Reserve***
 - c. Erub – DOGIT Trustee Reserve***
 - d. Hammond – DOGIT Trustee Reserve***
 - e. Iama – DOGIT Trustee Reserve***
 - f. St Pauls – DOGIT Trustee Reserve***
 - g. Kubin – DOGIT Trustee Reserve***
 - h. Mabuiag – DOGIT Trustee Reserve***
 - i. Poruma – DOGIT Trustee Reserve***
 - j. Saibai – DOGIT Trustee Reserve***
 - k. Ugar – DOGIT Trustee Reserve***
 - l. Warraber – DOGIT Trustee Reserve***
 - m. Masig – DOGIT Trustee Reserve***

And amend Reserve Policy (PO18) to insert Appendix A detailing the following:

Deed of Grant in Trust (DOGIT) Trustee Reserve

Purpose: Revenue from DOGIT land is constrained into this reserve at month end for the purpose of ensuring that funds are available for the maintenance or enhancement of the DOGIT.

Source of funds: Revenue received in relation to DOGIT land will be transferred to the reserve i.e lease fees collected by Council as Trustee of the DOGIT.

Use of funds: Funds in this reserve will be utilised for the maintenance or enhancement of the DOGIT at the discretion of the Trustee. The utilisation of reserve funds must be supported by a resolution of Council in its capacity as the Trustee of the DOGIT and a subsequent Council resolution approving the transfer within the financial statements.

3. That Council resolves to transfer the following DOGIT revenue received to date to the following reserves:

- a. Boigu – DOGIT Trustee Reserve - \$149,180.40**
- b. Erub – DOGIT Trustee Reserve - \$20,148.01**
- c. Hammond – DOGIT Trustee Reserve - \$24,576.03**
- d. Iama – DOGIT Trustee Reserve - \$94,248.70**
- e. St Pauls – DOGIT Trustee Reserve - \$20,278.96**
- f. Kubin – DOGIT Trustee Reserve - \$35,520.65**
- g. Saibai – DOGIT Trustee Reserve - \$77,059.82**
- h. Ugar – DOGIT Trustee Reserve - \$38,120.29**
- i. Masig – DOGIT Trustee Reserve - \$6,000.00**

The total transfer being \$465,132.86.

MOTION CARRIED

9. 11:20am – 11:33am HOUSING – Policies

CEO spoke to this report. The purpose of the report is to adopt these new policies of Council

RESOLUTION

Moved: Cr Bosun; Second: Cr Nona

That Council adopts Housing Services Department's policies as presented for a period of two (2) years being:

SP024 - Tenant Absence Policy

A tenant's absence for eight weeks at a time or for a total of eight weeks in a 12-month period does not need to be approved. Tenant must advise in writing when they are going to be absent from their home for more than eight weeks and up to 12 months.

Tenants are required to keep paying their rent during their absence.

SP025 - Housing Application Review Policy

Council will ensure that the Register of Need (social housing waitlist) is kept up-to-date and all applicants have a review of their approved application for housing completed every 12 months.

MOTION CARRIED

10. 11:33am – 11:34am MEETING OF COUNCIL AS TRUSTEE

RESOLUTION:

Moved: Cr Levi; Second: Cr Nai

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

MOTION CARRIED

11. 11:34am – 11:38am TRUSTEE – TCHHS Lease – Poruma

EMCS spoke to this report. Cr Pearson gives his support for this lease and informs the Trustee he had consulted with the Elders and the community and they too are in support.

12. 11:38am – 11:42am TRUSTEE – LHA Transfer – Poruma – Lot 38

EMCS spoke to this report. The purpose of the report is for Council as Trustee consent to the transfer of a perpetual lease from Mr Andrew Billy and Mrs Jessie Billy to their daughter Littiah Rizah Billy. Cr Pearson is in support of the transfer.

RESOLUTION:

Moved: Cr Pearson; *Second:* Cr Fell

That pursuant to the Aboriginal and Torres Strait Islander Land Holding Act 2013, the Trustee consent to the transfer of a perpetual lease (Lease No. 715648888) from Andrew Billy and Jessie Billy over Lot 38 on SP270862 to Littiah Rizah Billy.

MOTION CARRIED

13. 11:42am – 11:42am MOVE OUT OF TRUSTEE

RESOLUTION:

Moved: Cr Fell; *Second:* Cr Bosun

That Council move out of Trustee

MOTION CARRIED

14. 11:42am – 11:45am CORPORATE – Removal of Advisory Committee Members

EMCS spoke to this report. The purpose of this report is to propose the removal of Committee Members from the Boigu Advisory Committee, Poruma Advisory Committee and Dauan Advisory Committee. EMCS provided Council with a brief report on the establishment of each Committee and tabled their Terms of reference, making reference to "Removal of Members"

The Terms of Reference also state:

16 REMOVAL OF MEMBERS

16.1 A Voting Member may be removed:

16.1.1 following non-attendance for three consecutive meetings, upon written advice from the Chair to the Chief Executive Officer; or

16.1.2 by resolution of Council for whatever reason, at the sole discretion of Council. Council shall provide a statement of reasons to any Voting Member removed from the Committee by Council resolution.

Cr Toby has requested that Pabai Pabai be removed from the Boigu Advisory Committee on the basis that he no longer lives at Boigu.

Cr Pearson has advised that Nazareth Faid no longer lives at Poruma, and her absence from community has delayed attempts to call a meeting of the Poruma Advisory Committee. Manager Legal Services contacted Ms Faid by email on 15 January 2018, but no response has been received (see **Attachment 4**).

Cr Elisala has advised that Mario Soki and Sam Maka no longer live at Dauan.

In the circumstances, Council has reasonable grounds for removing the following Voting Members under paragraph 16.1.2 of the respective Terms of Reference:

- Pabai Pabai (Boigu)
- Nazareth Faud (Poruma)
- Mario Soki (Dauan)
- Sam Maka (Dauan)

If Council decides to remove members from the Advisory Committees, then:

1. A statement of reasons will be provided; and
2. Voting Member vacancies will be advertised in each community.

RESOLUTION

Moved: Cr Pearson; *Second:* Cr Levi

1. **That Council remove Pabai Pabai as a Voting Member of the Boigu Advisory Committee on the basis that he is not a current resident of Boigu.**
2. **That Council remove Nazareth Faud as a Voting Member of the Poruma Advisory Committee on the basis that she is not a current resident of Poruma.**
3. **That Council remove Mario Soki and Sam Maka as Voting Members of the Dauan Advisory Committee on the basis that they are not current residents of Dauan.**
4. **That Council seek Expressions of Interest for vacant Voting Member positions on the Boigu Advisory Committee, Poruma Advisory Committee and Dauan Advisory Committee.**

MOTION CARRIED

11:45am – Mayor Gela excused Cr Pearson from the meeting to catch his flight.

15. 11:45am – 11:49am CORPORATE – Boigu CSP Development Application

EMCS spoke to this report. Council received an application from the Department of Aboriginal and Torres Strait Islander Partnerships for a 'Reconfiguration of a Lot' for the Community Survey Program which requires a planning approval.

The development will create 119 lots on Boigu as shown on SP273190, SP280703 and SP302208 as **Attachment 1** and listed below:

- Lots 3-4,7-10,12-18,23-29,31-78,80-81,83,85,87,89-95,98,100-103,106,111-126,201,983-995,997,999 on SP273190
- Lot 5 & 6 SP280703.
- Lots 831 & 832 SP302208

No new development or operational works are associated with this application, which is primarily for the purpose of formalising existing uses and enabling future arrangements.

A summary of the relevant matters is provided as follows:

- The proposed development involves 'Reconfiguration of a Lot' which under the *Sustainable Planning Act 2009* (SPA) requires Council as the Assessment Manager to issue a formal Development Permit.
- The proposal is considered to be relatively consistent with relevant planning legislation and policies and therefore should be approved by Council.

RESOLUTION

Moved: Cr Fell; *Second:* Cr Nai

That Council issue a Development Permit for 'Reconfiguration of a lot' with the inclusion of the conditions set out in Part 5 of the Agenda Report, to create 119 lots on Boigu as shown on SP273190, SP280703 and SP302208.

APPLICANT: Department of Aboriginal and Torres Strait Islander Partnerships
LOCATION: Boigu Island
PROPOSAL: Community network survey over Boigu Island to create 119 lots

EXISTING PROPERTY DESCRIPTION:

- Lot 5 on TS159,
- Lot 6 on CP894534
- Lot 11 PLD554,
- Lot 4 TS159
- Lots 9,13-16,18-22,25-28,31,32,36-44,47,49,50,53,55, 56,59,60, 69-72,77,80,81,85,87, 89-92 on PLD554

REFERENCE: DA 12-17-01(1) Boigu CSP
LOCALITY PLAN



That Council issue a Development Permit for 'Reconfiguration of a Lot' with the inclusion of the following conditions:

1. The proposed development is to be undertaken in accordance with the following approved drawings: SP273190 dated 24/7/2017, and SP280703 dated 24/7/2017, and SP302208 dated 20/11/2017.

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 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. This approval is valid for four (4) years. A plan of survey must be lodged with Council for endorsement within this time, otherwise the approval will lapse.

MOTION CARRIED

16. 11:49am – 11:49am MEETING OF COUNCIL AS TRUSTEE

RESOLUTION:

Moved: Cr Nai; *Second:* Cr Kaigey

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

MOTION CARRIED

17. 11:49am – 12:15pm TRUSTEE – Dauan Church Lease Application

- Cr Elisala declared a potential conflict of interest (COI)
 - COI details: Cr Elisala is a member of the Church and his brother is the Deacon in the Church
 - How the Councillor proposed to deal with the COI: Cr Elisala did not vote.

EMCS spoke to this report. This report seeks the Trustee's endorsement of a decision-making process for two lease applications for the Church of the Holy Cross at Dauan.

Discussions had around how the voting process will take place. It is agreed that it will take place all on the one day and the local residents to vote only using the electoral roll. Cr Elisala supports this notion and suggest he be present on the day with the voters.

RESOLUTION:

Moved: Cr Sabatino; *Second:* Cr Kaigey

1. **That the Trustee adopt the following decision-making process for the lease applications for the Dauan Church (53 Main Road, Dauan, described as Lot 60 on SP270872):**
 - b. **Secret ballot at community meeting facilitated by Legal Services, with one week's notice to community advertised by mail-drop and notice on community noticeboard;**
2. **Secret ballot to be open for one day for Dauan residents only, managed by Legal Services Probity Office; and**
3. **The community vote/ballot sheet be worded as follows:**

"I support a 99-year lease to:

 - Diocese Church of Torres Strait
 - Church Council, Church of the Holy Cross
 - Neither

(TICK ONE BOX)"

MOTION CARRIED

12:15pm – 1:15pm – Lunch Break

18. 1:15pm- 2:00pm TRUSTEE - House Sale Price and Land Price

EMCS spoke to this report. Under the *Torres Strait Islander Land Act 1991* (Qld) and the *Aboriginal Land Act 1991* (Qld), Council (as Trustee) can make ordinary freehold available, subject to Ministerial approval of a Freehold Instrument. Council (as Trustee) also has the power to grant home-ownership leases of 99 years.

Where a dwelling is situated on the lease or freehold option land, Council is required to notify the chief executive of the Department of Housing and Public Works ("the Department") of the ordinary freehold application or proposed home-ownership lease. If the dwelling is social housing, ordinary freehold or a home-ownership lease may only be granted if the Department consents to the sale of the social house and a "valuation methodology" is applied.

The trustee must decide the value of the social house using the valuation methodology agreed between the trustee and the Department.

EMC provides Council with the Sale Price Methodology.

RESOLUTION:

Moved: Cr Nai; *Second:* Cr Tamu

1. 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
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

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

MOTION CARRIED

RESOLUTION:

No Mover

3. That Council, as Trustee for those communities for which Council holds a Deed of Grant in Trust, endorse the upfront price of land for ordinary freehold and home ownership (99-year) leases, at \$4,000 for 2,000 square metres (or part thereof), plus \$100 for each additional 100 square metres.

THIS PART OF THE RESOLUTION IS LEFT LYING ON THE TABLE PENDING FURTHER ENQUIRIES BY CEO AND TEAM

ACTION: CEO and Team to make further enquires around the houses that are pre Native Title not LHA. Satisfy the public works prior to 1996 and only for the footprint of the infrastructure and prior government use.

ACTION: CEO to talk to the local bank for them to do their valuation.

2:40pm – Cr Stephen joins the meeting.

19. **2:46pm - 3:00pm** **TRUSTEE – Lease Rent Methodology**

EMCS spoke to this report. The Trustee has requested a review the nominal rent it has charged for trustee leases since amalgamation. This report presents three different rent methodologies for the Trustee's consideration.

- Cr Nai declared a potential conflict of interest (COI)
 - COI details: Cr Nai is a member of the Queensland Health Board
 - How the Councillor proposed to deal with the COI: Cr Nai did not vote.

RESOLUTION

Moved: Cr Nona; Second: Cr Thaiday

That the Trustee, for those communities where Council holds land under Deed of Grant in Trust, adopt the following rent methodology for leases granted pursuant to the Torres Strait Islander Land Act 1991 (Qld) namely; Residential and Community - \$2 per square metre per annum, Commercial and Government - \$10 per square metre per annum, with a minimum charge of \$6000 per annum which shall apply.

MOTION CARRIED

Against: Cr Sabatino

3:10pm – Cr Nai is excused from the meeting to attend a meeting with Queensland Health

20. 3:10pm - 3:23pm

TRUSTEE – TCHHS Leases – Dauan, Poruma, Ugar, St Pauls, Mabuiag and Kubin.

- Cr Tamu declared a potential conflict of interest (COI)
 - COI details: Cr Tamu is an employee of Queensland Health on Warraber
 - How the Councillor proposed to deal with the COI: Cr Tamu remained in the room and voted.
- Cr Stephen declared a material personal interest (MPI)
 - MPI details: Cr Stephen's family owns the land
 - How the Councillor proposed to deal with the MPI: Cr Stephen left the room (3:19pm)
- Cr Elisala declared a potential conflict of interest (COI)
 - COI details: Cr Elisala family owns the land
 - How the Councillor proposed to deal with the COI: Cr Elisala left the room (3:20pm)
- Cr Bosun declared a material personal interest (MPI)
 - MPI details: Cr Bosun the Traditional Owner for St Pauls land and his sister is employed by Queensland Health at Kubin.
 - How the Councillor proposed to deal with the MPI: Cr Bosun left the room (3:21pm)
- Cr Gela declared a potential conflict of interest (COI)
 - COI details: Cr Gela's sister is employed by Queensland Health
 - How the Councillor proposed to deal with the COI: Cr Gela remained in the room and voted.
- Cr Akiba declared a material personal interest (MPI)
 - COI details: Cr Akiba is an applicant in the compensation claim
 - How the Councillor proposed to deal with the MPI: Cr Akiba left the room (3:22pm)
- Cr Thaiday declared a potential conflict of interest (COI)
 - COI details: Cr Thaiday's sister is employed by Queensland Health
 - How the Councillor proposed to deal with the COI: Cr Thaiday remained in the room and voted.

EMCS spoke to the report. Torres and Cape Hospital and Health Service (TCHHS) is seeking a 40-year lease to cover its existing health centres, accommodation and proposed extensions in the following communities:

- Poruma
- St Pauls (Moa)
- Masig
- Dauan
- Kubin (Moa)
- Ugar

The upgrades/extensions have a funding deadline. Completion of the funded works within the project timeframe is dependent on the execution of Deeds of Agreement to Lease for these premises, as TCHHS requires secure land tenure to invest in the works. This report presents the lease proposals for the Trustee's consideration.

RESOLUTION

Moved: Cr Nona; *Second:* Cr Sabatino

1. That pursuant to the Torres Strait Islander Land Act 1991 (Qld), the Trustee grant, subject to registration of Indigenous Land Use Agreement, development approval and survey in each case, a standard lease to Torres and Cape Hospital and Health Service over each of the following areas of land, for the purpose of:

- operating a primary health care centre; and
- undertaking works (subject to obtaining necessary approvals); and
- operating and maintaining residential accommodation for Lessee and Queensland Government agency employees and service providers; and
- other Government Services Use of and incidental to the above.

<i>Lot on Plan Description</i>	<i>Community</i>
<i>Lot 87 on SP 270862 (1,664m²)</i>	<i>Poruma</i>
<i>Lot 36 on SP 256048 (2,066m²)</i>	<i>St Pauls (Moa)</i>
<i>Lot 124 on SP 277431 (714m²) and Lot 125 on SP 277431 (1,484m²)</i>	<i>Masig</i>
<i>Lot 49 on SP 270872 (373m²), subject</i>	<i>Dauan</i>
<i>Lot 134 on SP 271019 (1,668m²)</i>	<i>Kubin (Moa)</i>
<i>Lot 11 on SP 282706 (unregistered) (738m²)</i>	<i>Ugar</i>

Subject to confirming Trustee consultation with community, Native Title consent, Development Approval, and/or surrender of existing leases (as applicable).

2. That the Trustee delegate to the Chief Executive Office the power to conclude the terms of each of the above leases.

MOTION CARRIED

3:23pm – Cr Stephen, Cr Elisala, Cr Bosun and Cr Akiba came back into the room.

21. **3:23pm – 3:32pm** **TRUSTEE – Lease Rent Methodology**

Council wishes to recind the previous decision made for above item 19. Trustee – Lease Rent Methodology. Cr Nona who moved the motion and Cr Thaiday who second the motion is happy for the decision to be recinded.

RESOLUTION:

Moved: Cr Nona; *Second:* Cr Thaiday

That Council recind the previous decision made for above item 19. Trustee – Lease Rent Methodology.

MOTION CARRIED

RESOLUTION:

Moved: Cr Nona; *Second:* Cr Thaiday

That the Trustee, for those communities where Council holds land under Deed of Grant in Trust, adopt the following rent methodology for leases granted pursuant to the Torres Strait Islander Land Act 1991 (Qld): Residential and Community will be \$4 per square metre per annum; Commercial and Government will be \$17 per square metre per annum with a minimum charge of \$6000 per annum.

MOTION CARRIED

3:32pm – Cr Nona leaves the meeting.

22. **3:32pm – 3:33pm** **TRUSTEE – 15 Wonie Road, Hammond Island – late report**

EMCS informed Council this report is discontinued and is now with the administration.

23. **3:33pm – 3:33pm** **MOVE OUT OF TRUSTEE**

RESOLUTION

Moved: Cr Levi ; *Second:* Cr Stephen

That Council move out of Trustee.

MOTION CARRIED

24. **3:34pm – 3:30pm** **CORPORATE – House Sale Price and Land Price**

EMCS spoke to this report.

RESOLUTION:

Moved: Cr Nona; Second: Cr Thaiday

1. **That Council 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
2 bedroom detached	\$65,000	\$50,000	\$35,000
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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

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

MOTION CARRIED

RESOLUTION:

No Mover

3. **That Council endorse the upfront price of land for ordinary freehold and home ownership (99-year) leases, at \$4,000 for 2,000 square metres (or part thereof), plus \$100 for each additional 100 square metres.**

THIS PART OF THE RESOLUTION IS LEFT LYING ON THE TABLE PENDING FURTHER ENQUIRIES BY CEO AND TEAM

25. **3:36pm – 3:55pm** **ENGINEERING – NDRRA Event – Cape York Qld Trough**

EMES spoke to this report. To provide an update of Council's response to the weather event in Torres Strait which occurred between 29 January and 1 February 2018.

Between 29 January and 1 February 2018, Torres Strait Island Regional Council's Local Government Area was again impacted by a severe weather event (referred to as the Cape York Qld Trough). The event was caused by combination of environmental factors: King Tides, Heavy Rainfall and Strong Winds. This combination led to flooding of private residences and damage to Council infrastructure in a number of communities.

During this severe weather event, TSIRC officers made a request for activation of the Commonwealth/State funded Natural Disaster Relief and Recovery Arrangements (NDRRA) for a disaster event.

EMES gives a brief update on the current status of the NDRRA funding from the February 2017 NDRRA event and January/February 2018 event as detailed in the report. EMES advised this funding has not yet been received by Council and now the Region as be caught out by another severe weather event. EMES also noted we don't receive any funds to make better, it's just like for like.

Following activation of the NDRRA by the Minister for Police, Fire and Emergency Services on 2 February 2018, Council officers are working with QRA to assess the damage to eligible transport and public infrastructure essential public assets in order to secure NDRRA funding. Mark Sexton will be travelling tomorrow with QRA to carry out inspections on ground.

26. 4:53pm – 5:09pm Leave in Advance

The following Councillors applied for leave in advance;

- Cr Tamu
- Cr Lui (Cr Tamu proxy)
- Cr Toby (Cr Gela proxy)
- Cr Fell
- Cr Stephen

27. 5:09pm – 5:10pm Next Ordinary Meeting Date

Mayor Gela informs Council, Cr Lui has advised, lama will have the dental team in the community on the same date as the scheduled meeting daytes for March. As this is the third attempt to have the dental team visit, and in the best interest of the community he has requested the meeting be held via video conference.

It is suggested that the April meeting be a face to face. SEA advised that Cr Nona has expressed and interest to have a meeting at Badu.

ACTION: SEA – to check with Cr Nona and advise Mayor and CEO.

Cr Thaiday also advise Council we may not be able to hold the June meeting in his Division due to contractors booking out the accommodation venues on the island. He will have confirmation by end of April and advise Council.

Council agree to the following meeting be held as per below;

Date:	12 & 13 March 2018	Video Conference
	17 & 18 April 2018	Video Conference
	15 & 16 May 2018	Face to face - Cairns

28. 4:00pm – 5:00pm General Business

Cr Thaiday - quired the power card und the new system and the government assistance. EMCS advised it will go onto the cards. Cr Sabatino informs the green card is for ordinary use and the Orange is for the rebate.

Cr Thaiday wanted to bring to the Council's attention, they had an incident on Erub where a 3 year had drowned at the beach and had been revived by a community member who knew first aid. Cr Thaiday would like to see if first aid course can be delivered in community. Advice received is that the Ambulance Service delivers first aid and that Diedree Whap is there contact officer. CEO would like to recognise the community member for an award for saving the toddler.

ACTION: EMCoS to contact Diedree Whap to enquire about delivering the training in our Divisions.

ACTION: ME to contact each Councillor to see if there was a hero in their community they would like to recongise. Then arrange a plaque or medallion for the individual and promote it through the media.

Cr Thaiday – commented that the recent extreme weather event has also affected the Eastern islands. Some houses were affected by the big tides.

Cr Sabatino asked EMFS to go over the rental recovery rate figures.

Mayor Gela raised the question from Cr Tamu at the SARG meeting in relation to disaster management information being shared with other stakeholders in the community like Queensland Health etc. There's a disconnection at the ground level. Learning from this to raise the need for local disaster management plan. Through these recent events Matt Brodbeck flooded our emails and phones with text messages to our phones constantly updating. Mayor Gela gave credit and commended Matta and Adeah for the work they did. How can we improve, at our workshop look at the State Disaster Management, Local Disaster Management groups, local Divisional Managers who are our Local disaster co-ordinators.

Mayor Gela gave an update on the progress of the Commonwealth Games baton relay and the contribution of funds from TSRA, Commonwealth Games and the CEO funds. With the extra funds it is suggested that an elder from each cluster be brought into Hammond to attend the event.

Councillors asked if they are able to use their community grant if they had available funds. EMFS advised yes Councillors could providing they don't overspend.

ACTION: EMCoS to contact each Councillor seeking their nomination of an elder from their Division to attend.

Cr Fell raised the question around Team Building. Advice is that we are looking at Leadership development, with having a facilitator and inviting the Torres Shire and NPARC to attend and sharing the cost three ways. This workshop will include CEO's, Councillors and Executive Managers.

Cr Tamu asked about Cr Fell's SARG membership. EMCS advised his SARG membership was not attached to the Deputy Mayor position and that Cr Fell can continue as a SARG member.

TSIRC 10 year celebrations – 14 March is now a gazetted public holiday in our region.

Cr Sabatino asked about the SARG Terms of reference. Council has not seen a report from SARG recently and that used to be a standing item on the Agenda.

ACTION: EMCS – will follow up on the TOR and any recent changes or actions.

ACTION: SEA – to add update from SARG as a standing item on the Agenda for OM.

ACTION: CEO – will send an email to all Councillors updating them on the last SARG meeting Agenda items.

EMCS advise the work around the landing fees etc should be completed by the end of the week and will be tabled at the next Ordinary meeting.

Meeting Closed at 5:00pm - Prayer by Cr Levi

Present

Cr Fred Gela, Mayor (TI office)
Cr Torenzo Elisala, Division 2 – Dauan Island (on phone)
Cr Keri Akiba, Division 3 – Saibai Island
Cr Keith Fell, Division 4 – Mabuiag Island (TI Office)
Cr Bosun, Division 6 – Kubin Community at Moa Island
Cr John Levi, Division 7 – St Pauls Community at Moa Island
Cr Mario Sabatino, Division 8 – Kirriri Island (on phone)
Cr Clara Tamu, Division 10 – Warraber Island (Cairns office)
Cr Ted Nai, Division 12 – Masig Island (Cairns office)
Cr Stephen, Division 13 – Ugar (Cairns office)
Cr Patrick Thaiday, Division 14 – Erub Island
Mr Bruce Ranga, Chief Executive Officer (CEO) (TI office)
Mr Christ McLaughlin, Executive Manager Corporate Services (EMCS) (Cairns office)
Ms Melissa Barmettler, Executive Manager Financial Services (EMFS) (Cairns office)
Mr David Abednego, Executive Manager, Community Services (EMoCS) (TI office)
Ms Lorna Bowie – Senior Executive Assistant, Office of the CEO and Mayor (SEA) (Cairns office)
Mrs Kathy Cochran – Secretariat Officer (SO) (Cairns office)

Apologies

Cr Dimas Toby, Division 1 – Boigu Island
Cr Laurie Nona, Division 5 – Badu Island
Cr Getano Lui Jnr, Division 9 – Iama
Cr Francis Pearson, Division 11 – Poruma Island
Cr Bob Kaigey, Division 15 – Mer Island

19. **9:08am – 9:13am** **Opening Prayer by Cr Thaiday and Welcome by Mayor**

Mayor Gela welcomed and acknowledge the traditional owners of the land in which we meet. Deputy Mayor asked Councillors and staff to introduce themselves to the Queensland Health delegation in attendance. Mayor introduced Bob McCarthy and his team and the Queensland Health Board currently joining the meeting via telephone from Bamaga.

20. **9:13am – 10:12am** **PRESENTATION:** Torres and Cape Hospital and Health Service Board – Invitation to address Council on Health issues in the Torres Strati Region. Chair – Mr Bob McCarthy, Inteim CEO - Ms Tina Chinery, Ms Andrea Board Members – Mr Greg Edwards, Mr Scott Davis, Mr Biran Woods, Ms Kaz Price and Mr Horace Biara. Ms Kim Veiwasenavanua, Executive General Manager Northern sector, Ms Beverley Hamerton, Executive General Manager Southern sector and Mr John

10:12am – 10:30am – Morning Tea

21. **10:30am – 11:00am** **General Business**

Cr Tamu asked about the Torres Strait Flag copywrite. Letter from Mr Bernard Namok Jnr.

Cr Stephen asked Mayor Gela if he was planning to visit the Divisions in the near future as he would like the Mayor to be present at the opening and blessing of the new Community Hall on Ugar. Cr Akiba asked for the roles and responsibilities to be held at Saibai.

ACTION: EMCoS to contact Cr Akiba to make a time and date for the roles and responsibilities.

22. **10:36am – 10:46am** **MOVE INTO CLOSED BUSINESS**

RESOLUTION:

Moved: Cr Nai; Second: Cr Stephen

That Council move into closed business

MOTION CARRIED

TORRES STRAIT FLAG COPYRIGHT

ACTION: EMCS to write to National Rugby League under the CEO signature for the correct flag descriptions and colours to be used.

ACTION: EMCS to draft a letter of response to Mr Bernard Namok Jnr to meet with CEO, Mayor Gela and Cr Lui.

ACTION: EMCoS to search files in TI office for the minutes and letters of the ICC meeting.

ACTION: EMCoS to contact Torres News requesting their report on the Flag competition and the advertisement for the competition.

23. **10:46am – 10:47am** **MOVE OUT OF CLOSED BUSINESS**

RESOLUTION:

Moved: Cr Akiba; *Second:* Cr Thaiday

That Council move out of close business.

MOTION CARRIED

24. **10:47am – 10:48am** **Closing Remarks**

Mayor thanked Councillors and staff for their attendance.

Meeting closed at 10:48am – Closing prayer by Cr Nai