



Torres Strait Island
REGIONAL COUNCIL

MINUTES

ORDINARY MEETING

Monday 12 March 2018: 9:00am to 6:18pm

Videoconference - VMR #3 - 0292 970 555

Monday 12 March 2018

Present

Cr Fred Gela, Mayor (video - Kirriri office)
Cr Dimas Toby, Division 1 – Boigu Island (video)
Cr Torenzo Elisala, Division 2 – Dauan Island (on phone)
Cr Keri Akiba, Division 3 – Saibai Island (video)
Cr Keith Fell, Division 4 – Mabuiag Island (video)
Cr Laurie Nona, Division 5 – Badu Island (video)
Cr Bosun, Division 6 – Kubin Community at Moa Island (on phone)
Cr John Levi, Division 7 – St Pauls Community at Moa Island (video)
Cr Mario Sabatino, Division 8 – Kirriri Island (video)
Cr Getano Lui Jnr, Division 9 – Iama (Cairns office)
Cr Francis Pearson, Division 11 – Poruma Island (video)
Cr Ted Nai, Division 12 – Masig Island (Cairns office)
Cr Stephen, Division 13 – Ugar (Cairns office)
Cr Patrick Thaiday, Division 14 – Erub Island (video)
Cr Bob Kaigey, Division 15 – Mer Island (video)
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 John Coyle, Executive Manager Housing Services (Cairns Office)Mr David Abednego, Executive Manager, Community Services (EMoCS) (TI office)
Ms Lorna Bowie, Senior Executive Assistant (SEA) (Cairns office)
Ms Ursula Nai, Senior Executive Assistant (SEA) (Cairns office)
Mrs Kathy Cochran – Secretariat Officer (SO) (Cairns office)

Apologies

Cr Clara Tamu, Division 10 – Warraber Island

1. **9:11am – 9:18am** **Opening Prayer by Cr Thaiday and Welcome by Mayor Gela**

Mayor Gela, Welcome and Opening Remarks

Council observed one minute silence.

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

Mayor Gela welcomed and introduced Ursula Nai who is the newly appointed Senior Executive Assistant to Mayor and CEO. Mayor Gela asked Councillors to introduce themselves.

2. **9:18am – 9:20am** **Apologies**

- Cr Clara Tamu, Division 10 – Warraber Island
Cr Tamu applied for leave of absence at the February Ordinary Meeting.

RESOLUTION

Moved: Cr Fell; Second: Cr Stephen

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

MOTION CARRIED

3. **9:20am – 9:21am** **Declaration of Conflict of Interest (COI) or Material Personal Interest (MPI)**

No Conflict of Interest or Material Personal Interested were disclosed at this time. Councillors will have the opportunity to make a disclosure during the meeting.

4. **9:21am – 9:24am** **Confirmation of February 2018 Ordinary Meeting Minutes**

Page 15 of the minutes – omitted the highlighted section at top of page.

RESOLUTION

Moved: Cr Fell Second: Cr Sabatino

That the minutes of the Ordinary Meeting held in February 2018 be adopted as a true and accurate record of that meeting taking into account the above amendments.

MOTION CARRIED

5. **9:24am – 9:50am** **Outstanding Strategic Ordinary Meeting Action Items**

1. Regional Grants Policy – SEA circulated to all Councillors - Complete
2. Reserve Policy Procedure – Legal currently working with Finance – present to May workshop
3. House Sale and Land Sale Price – Mayor and CEO met with the State. They are looking at packaging the work that needs to be done and the land valuation, starting with a desktop first then an on ground valuation. State has agreed to provide that support and funds.
4. CEO to meet with NAB and potential banking lenders – EMCS team is actioning this. No progress to date. EMFS attended an Indigenous Business Forum last week and there is certainly an appetite out there (need to elaborate as to what is there appetite out there for?). EMCS to also engage and or have discussion with TSRA and IBA.
5. First Aid training in the Divisions – Mayor Gela received an email from Kim V ?Queensland Health advised that First Aid Training for Community Members will be delivered through Primary Health Centre staff on ground, however it will not be accredited training. Queensland Ambulance Service delivers the accredited training.
6. Community Heros – this has been actioned to Manager Engagement (ME). CEO informed Councillors that Phillemon Mosby has been appointed to the position of ME. SEA has sent an email to ME regarding this action item and ask Aleesha to make contact with Cr Thaiday.

7. SARG Terms of Reference (TOR) – has been tasked to Manager Legal Services to review the SARG TOR and provide feedback to Council will at the April SARG and OM.
8. SARG update to be included as a standing agenda item for OM – Actioned – complete
9. CEO to email Councillors with SARG update – verbal being given at today OM – complete

6. 9:50am - SARG update

- CDP Program – Mayor and CEO met with the department of Prime Minister and Cabinet. Their discussion was around the CDP program, current contract expires 30 June 2019. Mayor Gela provided a to Council on the new reformed program and the different model arrangements available to deliver the program. SARG Members will be provided with the information to review and then bring to full Council for further discussion. Mayor gave an example and referred to Region 57's current partnership model.
- PNG Policy and Queensland Health Flow Chart – Mayor Gela briefly explained the Policy and Flow Chart and raised two concerns; 1. Council's roles and responsibilities (land and water) and, 2. The section around the International Human rights. Further discussions on the PNG Policy and Queensland Health Flow Charter will be discussed later in the Agenda.
- Infrastructure money – Council will be receiving approx. \$90 million dollars this year
- Airstrip lighting project – project to be done on Kubin, Badu, Iama and Saibai. Mayor Gela briefed Council on his meeting with Allen Cunnen's office and explained the OSL (??) web and the importance for night landing. and what it means for Council. The concerning issue is Iama runway is not compliant for day landing and needs to be widened by 10 metres. (I think David B spoke more on this issue)
- Land Valuations – Questions raised with the Program office. Land valuation done on ground verses the desktop and what the effectiveness of that and the costings around that. Costings has been done for Saibai and other communities. What methodology does Council want to pursue. Council needs to have further discussions. The Program office is going to take on the work and has the money to do it.
- Master Planning – in order to get it to a draft form it can take up to 5-6 months. Hammond Island is currently in the consultation phase. Mayor explains what the Master Planning contains. It's critical to look at developing your communities. The State is willing to tie up the geotechnical studies for Masig, Iama and Warraber against coastal and tidal inundation. Mayor has also encouraged the Program office to contact Mura Badugal to commence conversation to get on board with the Master Planning process too.
- Regional ILUA – Negotiation has been going on for a few years now. We are at the 24th Version now. All parties are in agreement now without the housing component. We can now go ahead with negotiations. Cr Sabs raised the question regarding the WA case tenant creek. Those were area agreement. Have we got evidence that consultation has happened. NTO is working with PBC's and TO's. The state has advised that they are now at the consultative stage and work with NTO lock in their diary. Hammond is included but it will be a difficult process. Cr Sabs request that Hammond be left out for now.
- Special Committee to work on the Port Fees in collaboration with our Team. Cr Sabs supports the notion
- CEO goes over the Master Planning – new opportunity for Housing. Scoping works – infrastructure with 30 new lots for Kirri and looking at a bigger store.
- CEO – Coastal inundation – Panel consisting of EMES, the Councillor from each Division, DATSIP. Building plan from Community up.
- LGAQ – Mooring and Landfill – see info report
- Beautification work – see info report
- Cr Lui – Low cost airfares – discuss in General business
- Cr Lui, Health Policy. Health is not part of the Treaty, Qld Health are not guided by the treaty. We need to guide them about what the Treaty is about. Currently treatment is only Life or limb under the Treaty. Our priority is our community members and their health in the first instance. The flow chart aims at addressing issues like illegal and people being medicated all the way to Cairns without proper administrative clearance. Cr Nai asked about entry point on each Divisions. Need officers on the ground once they arrived. Cr Lui – the power that we have, I know the arrangement of the traditional visits. Iama made an arrangement for when

they visit – Council needs to be involved with the day to day operations. Community members shouldn't be giving consent to PNG nationals to come across. Free movement, when they come. Discuss after the presentation this afternoon. Need officers to meet them on landing. The Treaty arrangements aren't recognised by the departments as it's not a formal arrangement. Cr Akiba raised concerns around partners and relationship, free movement should be subject to approval from Councillor on ground. Consultation needs to be had between TSIRC, TRSR and TIMS.

ACTION: EMCS – Need to advise on entry point for PNG Traditional Visits and to be included in Council Local Laws.

ACTION: EMCS – Consult with TSIRC, TSRA and TIMS (consult on ??)

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

EMFS spoke to this report and referred to the minutes of the February meeting. There were two Regional grants applications that were put forward, the Councillor who moved the resolution also put forward a COI. The resolutions need to be put back on the table, as the Councillor declaring a COI can not move a resolution.

EMCS confirmed advised the resolution is to be ratified not withdrawn or recinded. This is just putting the resolution forward again with a new Mover and Seconder

Applicant 2 – Waibene Netball Club

RESOLUTION

Moved Cr Sabatino , Second Cr Fell

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

Cr Nona raised a point that as a Councillor he's related to everyone on Badu and that he'll have to declare a COI. EMCS advised, It would be an MPI if your family member was getting paid for it, then there is no issue. With a COI you can still have participation in the discussion and it's up to the Council whether they allow you to vote or not.

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

RESOLUTION

Moved Cr Sabatino , 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

11:00am – 11:16am – Morning Tea Break

11:16am – 11:26am

MEETING OF COUNCIL AS TRUSTEE

RESOLUTION:

Moved: Cr Levi ; Second: Cr Toby

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

9. 10:47am – 10:51am

TRUSTEE – TCHHS – Dauan short term lease

EMFS spoke to this report. Torres and Cape Hospital and Health Service (TCHHS) is seeking a short-term lease for a temporary health clinic and construction laydown area at Dauan, adjacent to the existing Primary Health Care Centre, to facilitate the redevelopment of the PHCC. This report presents the short-term lease proposal for the Trustee's consideration.

- Cr Elisala declared a potential conflict of interest (COI)
 - COI details: Cr Elisala's family owns the land in question.
 - How the Councillor proposed to deal with the COI: Cr Elisala did not vote.
- Cr Nai declared a potential conflict of interest (COI)
 - COI details: Cr Nai is a member of the Health Board.
 - How the Councillor proposed to deal with the COI: Cr Nai did not vote.

RESOLUTION

Moved: Cr Akiba; Second: Cr Pearson

1. That pursuant to the Torres Strait Islander Land Act 1991 (Qld), the Trustee grant, subject to Native Title consent, development approval, survey, and confirming Trustee consultation with community, a standard lease to Torres and Cape Hospital and Health Service, for a term of up to two (2) years with a right for the Health Service to surrender the lease on three (3) months' notice, over two adjacent areas of land (Area A of 249m² and Area B of 165m²) shown on the presented "Sketch – Staging Plan", being Part of Lot 48 on SP270872 at Dauan Island, the lease being for the purpose of:

- **operating a temporary primary health care centre (Area A); and**
- **construction laydown (Area B);**
- **undertaking works (subject to obtaining necessary approvals); and**
- **other Government Services Use of and incidental to the above.**

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

MOTION CARRIED

10. 11:20am – 11:33am

TRUSTEE – LHA Transfer Lot 30 & 31 - Poruma

EMCS spoke to this report. The purpose of the report is to transfer the katter lease from one family member to another.

Cr Lui, Cr Nai, Cr Pearson and Cr Sabatino voiced some of their concerns and made comments.

ACTION: EMCS to supply a chronological order of events around the discussion of the Katter Leases.

RESOLUTION for Lot 30:

Moved: Cr Sabatino; *Second:* Cr Toby

1. 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. 715648973) from Thelma Pearson over Lot 30 on SP270862 to Renee Matilda Pearson.

MOTION CARRIED

RESOLUTION for Lot 31:

Moved: Cr Akiba; *Second:* Cr Pearson

2. 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. 715648862) from Thelma Pearson over Lot 31 on SP270862 to Cedric Leonard Pearson.

MOTION CARRIED

- Cr Pearson declared a potential conflict of interest (COI)
 - COI details: Cr Pearson's family are parties to the leases.
 - How the Councillor proposed to deal with the COI: Cr Pearson did not vote.

RESOLUTION:

Moved: Cr Akiba; *Second:* Cr Pearson

The Council rescind Resolution number 2. above.

MOTION CARRIED

RESOLUTION:

Moved: Cr Nai; *Second:* Cr Kaigey

2. 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. 715648862) from Thelma Pearson over Lot 31 on SP270862 to Cedric Leonard Pearson.

MOTION CARRIED

13. 12:15pm – 12:16am MOVE OUT OF TRUSTEE

RESOLUTION:

Moved: Cr Bosun; *Second:* Cr Stephen

That Council move out of Trustee.

MOTION CARRIED

12:15pm – 1:15pm – Lunch Break

14. 1:19pm – 4:20pm MOVE INTO CLOSED BUSINESS

Mayor Gela confirms with each Councillor individually that they are alone in the room as Council moves into closed business.

RESOLUTION:

Moved: Cr Levi; *Second:* Cr Akiba

That Council move into closed business.

MOTION CARRIED

- **Mogor Well Pump Station – Tender No. TSIRC207-110**
- **Transitional Action Plan**
- **Preferred Supplier Arrangements**
- **CHUBB Temporary Preferred Supplier – Fire Service**

1:30pm – Staff were asked to leave the room and returned back at 4.20pm.

15. **4:20pm – 5:30pm** **PRESENTATION:** Torres Strait Treaty Update and Draft PNG Policy
Ms Leilani Bin Juda – Torres Strait Treaty Liaison Officer, Department Foreign Affairs and Trade, Thursday Island. **Ms Fiona Pemberton**, Inspector, Australian Border Force, Thursday Island, **Mr Grant Doherty**, Australian Federal Police, Thursday Island. (Kim did not attend the session, there was also an officer from Australian Fisheries Management Authority – cant remember his name)

Mayor Gela welcomed the presenters and apologised for the delayed start to their meeting with Council.

16. **5.35pm – 5:40pm** **Move out of Close Business**

RESOLUTION:

Moved: Cr Sabatino; *Second:* Cr Pearson
That Council move out of closed business.

MOTION CARRIED

CEO - Transitional Action Plan

RESOLUTION:

Moved: Cr Fell; *Second:* Cr Sabatino

That Council endorse the strategy proposed in this paper to commence implementation of the Transitional Action Plan (TAP)

MOTION CARRIED

CEO – Preferred Supplier Arrangements

RESOLUTION:

Moved: Cr Sabatino; *Second:* Cr Pearson

Council resolves that the Chief Executive Officer has delegation, financial and otherwise, to approve all contractual arrangements and make payment pursuant thereto, except large-sized contractual arrangements of \$200,000 (GST excl) or more over a financial year, or the term of the proposed contractual arrangement.

MOTION CARRIED

Against: Cr Lui, Cr Nai, Cr Fell and Cr Stephen

ACTION: A watching brief on how this is being managed. Special meeting clause in legislation. Evaluate within timeframes.

CORPORATE – Temporary Preferred Supplier Arrangement

RESOLUTION:

Moved: Cr Nona; *Second:* Cr Fell

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

- **Approve Chubb Fire with a preferred supplier arrangement until 30th June 2018 to undertake fire compliance works within its approved budget.**
- **Delegate authority to the Chief Executive Officer or delegate in accordance with the Local Government Act 2009 to negotiate, finalise and execute any and all matters associated with entering into this temporary preferred supplier arrangement.**

MOTION CARRIED

ENGINEERING – Mogor Well Pump Station – Tender

EMES spoke to this report. The purpose of this report is for Council to consider the recommendation for tender award for the Mogor Well Pump Station Upgrade.

RESOLUTION

Moved: Cr Thaiday; *Second:* Cr Fell

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

- **Award Tender No. TSIRC2017-110 FOR THE Mogor Well Pump Station Upgrade to LDI Constructions Civil Pty Ltd for \$354,332.00 (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 entering into the contract under this arrangement.**

MOTION CARRIED

16. 5.45pm-5.55pm Leave in Advance

The following Councillors applied for leave in advance;

- Cr Nai
- Cr Lui
- Cr Toby
- Cr Fell
- Cr Stephen
- Cr Nona
- Cr Kaigey

17. 5.55pm-6.00pm Next Ordinary Meeting Date

Date: 17 & 18 April 2018 Video Conference

18. 6.00pm – 6.18pm General Business

Cr Lui raised the issue of the Local Fare Scheme with Qantas and how our constituents can access this scheme.. Cr Lui gave a briefing on the process around what our outer island residents have to go through to accessing the fare and their eligibility being questioned and needing to justify.

Cr Fell – 75th TSI Light Infantry Anniversary reminder. Mayor Gela gave update.

Cr Fell – How are we managing local deputation through video conference. Deputations can be done by the video conference in the community.

Cr Fell – The relief goods coming to the Straits via Sea Swift for the recent weather event – How is it being managed. Cr Lui saying most of it has gone to lama and the TSIRC staff are getting caught in the middle.

Cr Lui – The Telstra tower at lama is not complete. The signal is intermittent since it has been moved.

Cr Sabs – Manager Engagement to review at our deputation strategy, and promote Council Meetings and Deputation Notices through Social Media ie., Councils Facebook page.

ACTION: EMCS will have a conversation with Sea Swift regarding the delivery of White Goods sent to lama

ACTION: EMES to talk to Adea around the white goods ??

ACTION: EMCS – Councils Information Technology (IT) make enquiries with Telstra regarding the issues with connectivity since the new tower on lama was installed.

ACTION: EMCS to follow up with Chris Bradley regarding Local Fare Scheme with Qantas and whether TSIRC community members can access this scheme.

Meeting Closed at 6.18pm - Prayer by Cr Levi