



Torres Strait Island
REGIONAL COUNCIL

MINUTES

ORDINARY MEETING

Tuesday 19 February 2019: 9:05am to 5:02pm
Wednesday 20 February 2019: 9:00am – 10:46am

Videoconference - VMR #8 - 0299 165 402

Present

Cr Dimas Toby, Division 1 – Boigu (Cairns office)
Cr Torenzo Elisala, Division 2 – Dauan (Dauan office)
Cr Keri Akiba, Division 3 – Saibai (Saibai office)
Cr Keith Fell, Division 4 – Mabuyag (Mabuiag office)
Cr David Bosun, Division 6 – Kubin Community at Mua Island (Kubin office)
Cr John Levi, Division 7 – St Pauls Community at Mua Island (St Paul's office)
Cr Mario Sabatino, Division 8 – Kirriri (Kirriri Office)
Cr Getano Lui Jnr, Division 9 – Iama (Iama Office)
Cr Clara Tamu, Division 10 – Warraber (Warraber office)
Cr Francis Pearson, Division 11 – Poruma (Poruma office)
Cr Rocky Stephen, Division 13 – Ugar (Ugar office)
Cr Patrick Thaiday, Division 14 – Erub (Erub office)
Cr Bob Kaigey, Division 15 – Mer (TI office)
Mr Bruce Ranga, Chief Executive Officer (CEO) (TI office)
Ms Jan Pool, Chief Operating Officer (COO) (Kirriri office)
Mr Jaydip Sengupta, Chief Financial Officer (CFO) (Cairns office)
Ms Hollie Faithfull, Financial Accountant (FA) (Cairns office)
Mr David Baldwin, Executive Manager Engineering Services (EMES) (Cairns office)
Mr David Abednego, Executive Manager, Community Services (EMoCS) (TI office)
Ms Julia Maurus, Manager Legal Services (MLS) (Cairns office)
Ms Ursula Nai, Senior Executive Assistant (SEA) (TI office)
Mrs Kathy Cochran – Secretariat Officer (SO) (Cairns office)

Apologies

Cr Fred Gela, Mayor
Cr Laurie Nona, Division 5 – Badu
Cr Ted Nai, Division 12 – Masig

1. **9:05am – 9:09am** **Opening Prayer by Cr Fell and Welcome by Deputy Mayor Lui**

Deputy Mayor, Cr Lui welcomed everyone and thanked them for their attendance. Cr Lui also passed on an apology from Mayor Gela and invited Cr Fell to open the meeting in prayer, remembering the families across our region in sorry business.

Council observes a minute silence.

2. **9:09am – 9:16am** **Apologies**

- Cr Laurie Nona, Division 5 – Badu
Cr Nona applied for leave of absence in advance at the January 2019 Ordinary Meeting.

RESOLUTION

Moved: Cr Fell; Second: Cr Kaigey

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

MOTION CARRIED

- Cr Nai, Division – Masig
Cr Nai applied for leave of absence in advance at the January 2019 Ordinary Meeting.

RESOLUTION

Moved: Cr Pearson; Second: Cr Thaiday

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

MOTION CARRIED

- Mayor Gela
Mayor Gela did not apply for leave in advance. Deputy Mayor Lui informs Council, Mayor Gela apologise for his absence at this meeting due to sorry business in the family.

RESOLUTION

Moved: Cr Bosun; Second: Cr Levi

That Council accepts the apology from Mayor Gela for his absence at this meeting.

MOTION CARRIED

3. **9:16am – 9:16am** **Declaration of Conflict of Interest (COI) or Material Personal Interest (MPI)**

No declaration made. Deputy Mayor encouraged Councillors to make their disclosure at any time during the meeting.

4. **9:16am – 9:17am** **Confirmation of January 2019 Ordinary Meeting Minutes**

RESOLUTION

Moved: Cr Bosun; Second: Cr Levi

That the minutes of the Ordinary Meeting held on 21 January 2019 be adopted as a true and accurate record of that meeting.

MOTION CARRIED

5. **9:17am – 9:45am** **Outstanding Strategic Ordinary Meeting Action Items**

1. TSIRC Area applicant Guide for working in the Region – update being provided at the March OM and task is now delegated to Manager Engagement.

9.36am – Cr Nai joined the meeting at the TI office.

2. Workshop / Garage for work vehicles. COO will email directive to all staff re vehicle use and storage. Complete.
3. Fees and Charges – TIB vessels. MLS providing proposed local law amendments to March OM.
4. Climate Adaptation – ME is investigating and will provide detailed update at March OM.
5. Hero Awards – ME providing detailed update at March OM
6. Public work extinguishment – MLS provided update.
7. Invitation to Dr Chris Sarra to attend Council workshop in May in Cairns – update March OM
8. Date for Community visit by Mayor and CEO – update at March OM
9. LHA Leases – Council position re financial impacts – update at March OM
10. Council Gift Procedure - completed.
11. Host Agreement Program with TSIRC – update at March OM
12. Noisy tenants on Warraber – matter resolved - Completed.
13. Grants officer working with Sports and Rec re funding for minor infrastructure projects. ME to provide update at March OM
14. Cr Elisala's move into new office. Completed.
15. Dauan staff using private vessel to pick up mail and freight. COO to provide update at March OM.

6. 10:05am – 10:00am FINANCE – Regional Grants Round 3 – 2018/19

- Cr Akiba declared a conflict interest (COI)
 - COI details: Cr Akiba have relatives in the team and has a community interest.
 - How the Councillor proposed to deal with the COI: Cr Akiba left the room at 10:07am.

CFO - Jaydip Sengupta, spoke to the report. The purpose of the report is to present to Council for decision, the Regional Grants Applications for Round Three 2018/19. Eligible Applications have been received from:

1. Raw Fitness Badu
2. Saibai Stags R.L.F.C

RESOLUTION:

Move: Cr Sabatino; *Second:* Cr Thaiday

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

1. Raw Fitness Badu for the eligible amount of \$2,500 exclusive of GST
2. Saibai Stags R.L.F.C for the eligible amount of \$2,500 exclusive of GST

MOTION CARRIED

10:15am – 10:35am – Morning Tea Break

7. 9:35am – 10:42am LEGAL – Development Application – Masig Lots 29 & 392

MLS spoke to this report. At the July 2018 Ordinary Meeting, Council approved the creation of leases A, B & C SP301914 for Social housing for DATSIP to enable leasing for Social Housing.

DATSIP have advised that due to inconsistencies with other lots on Masig Island, it was determined that a Lot plan will need to replace the Lease plan and as such development approval needs to be obtained, and as such DATSIP have now lodged an application to convert the leases into Lots.

The development will create lots on Masig Island as listed below:

- New Lots 29 & 291, 38, 381 & 382 SP308574

There is no change in alignment of the lease boundaries, and no new development or operational works are associated with this application.

A summary of the relevant matters is provided as follows:

- The proposed development involves 'Reconfiguration of a Lot' which under the *Planning Act 2016* 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:

Move: Cr Nai; *Second:* Cr Levi

That Council issue a Development Permit for 'Reconfiguration of a lot' with the inclusion of the conditions set out in Part 2 of the Agenda Report, subject to trustee resolution confirming resolution of the lease allocation for lot 29. (New Lots 29 & 291, 38, 381 & 382 SP308574)

Council notes that Lease 715653388 will cover new Lots 38, 381 & 382 on SP308574. Any sublease of new Lots 29 & 291, 38, 381 & 382 SP308574 is subject to Trustee resolution.

MOTION CARRIED

8. 10:42am – 10:50am LEGAL – Gift Procedure

MLS spoke to this report. The purpose of this report is to provide Council with an opportunity to endorse amendments to the Gifts Procedure.

BACKGROUND

1. Council's current Gifts Register was authorised by the then Acting CEO on 23 February 2017.
2. The proposed amended Gifts Procedure incorporates amendments requested by Council at the Councillor conduct workshop during the December 2018 Ordinary Meeting.

The proposed amendments are as directed by Council at the Councillor conduct workshop during the December 2018 Ordinary Meeting.

In particular, for a Cultural Gift, the word "Offeror" has been changed to "Gifter" and the word "Offeree" has been changed to "Recipient", to recognise Ailan Lore & Kastom.

RESOLUTION:

Move: Cr Fell; *Second:* Cr Pearson

That Council adopt the amended Gifts Procedure PO4-PR4, as presented.

MOTION CARRIED

Cr Akiba rejoined the meeting.

9. **10:50am – 11:00am** **LEGAL – Development Application – Badu Lot 195**

MLS spoke to this report. The Torres Strait Regional Authority (TSRA) have approved funds for the Mura Badulgal (TSI) Corporation RNTBC to convert the former Badu Childcare Centre (Existing Building) into Commercial Offices which the RNTBC wish to operate their business from. They have also requested that part of the office refurbishments cater for additional organisations who also wish to operate from the building. These would be possibly government representatives who wish to utilise office space for short periods.

A summary of the relevant matters is provided as follows:

- The proposed development involves 'Material Change of Use' which under the *Planning Act 2016* 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.
- Cr Nona has confirmed in writing that he supports the proposal.

RESOLUTION:

Move: Cr Bosun; *Second:* Cr Elisala

That Council issue a Development Permit for 'Material Change of Use' with the inclusion of the conditions set out in Part 2 of the Agenda Report. (Badu Lot 195 SP253545)

MOTION CARRIED

10. **11:00am – 11:01am** **LEGAL – Delegation Register**

Council requires more time to familiarise themselves with the contents of the report.

This report is adjourned to the March 2019 Ordinary Meeting.

12. **11:02am – 11:03am** **TRUSTEE – LEGAL – Delegation Register**

Council requires more time to familiarise themselves with the contents of the report.

This report is adjourned to the March 2019 Ordinary Meeting.

13. **11:04am – 11:04am** **Business arising from Information Reports**

13.1 **ENGINEERING – Seawalls and Coastal Defence Update (Closed Business)**

13.2 **ENGINEERING – Saibai Water and Visitor Impacts (Closed Business)**

14. **11:04am – 12:30pm** **COUNCIL MOVE INTO CLOSED BUSINESS**

RESOLUTION:

Move: Cr Bosun; *Second:* Cr Fell

That Council move into Closed Business.

MOTION CARRIED

Deputy Mayor confirms with each Councillor that they are alone in the room. Each Councillor confirms individually they are alone.

- Cr Bosun declared a material personal interest (MPI)
 - MPI details: Cr Bosun has a partnership with a potential tenderer
 - How the Councillor proposed to deal with the MPI: Cr Bosun left the room at 11:07am.

CEO points out the paper is an information report not an agenda report. Cr Bosun maintains his declaration and chose to leave the room.

13.1 ENGINEERING – Seawalls and Coastal Defence Update (Closed Business)

ACTION: Mayor and CEO to place “funding priorities” on agenda for Community meetings.

LUNCH – 12:30pm – 1:39pm

1:39pm – 2:49pm

Deputy Mayor resumes the meeting in Closed Business.

13.2 ENGINEERING – Saibai Water and Visitor Impacts (Closed Business)

2:49pm – 3:16pm

Deputy Mayor asked all staff but the CEO to leave the room.

3:16pm – Staff rejoined the meeting.

15. **3:20pm – 3:20pm** **COUNCIL MOVE OUT OF CLOSED BUSINESS**

RESOLUTION:

Move: Cr Fell; *Second:* Cr Sabatino

That Council move out of Closed Business

MOTION CARRIED

16. **3:20pm – 4:52pm** **General Business**

Cr Bosun asked if the revenue received from the Kubin Motel from a recent long stay by Ergon Energy employees could be used to upgrade the Contractors camp and the community hall.

ACTION: COO and BSU team to contact Cr Bosun to have discussion regarding maintenance/ upgrade for the Contractors camp and the Community Hall at Kubin.

Cr Stephen asked the CEO for an update on the waste management system at the council accommodation on Ugar and if there was any available funds to fix the trenches.

ACTION: COO to contact Cr Stephen out of session and have further discussions regarding the trenches to the Ugar accommodation.

Cr Levi raised the following issues at St Pauls;

- The Water Infrastructure

- Engineering department's staff performance
- Multiple water leaks identified and no action taken

ACTION: EMES to make contact with Cr Levi to discuss the issues listed above out of session.

Cr Sabatino raised the issue of Animal management and the EHW on ground.

Cr Kaigey asked the CEO about the vacant EHW position on Mer and an update. EMCoS informed Cr Kaigey the position is being readvertised due to lack of applicants.

Cr Kaigey also asked about the scoping done by BSU on the houses at Mer, there's still no outcomes or work being done. With the recent weather event houses are leaking and roof on some houses haven't been replaced for years. Tenants are no longer wanting to pay rent.

ACTION: COO to discuss the BSU scoping report with Cr Kaigey out of session.

Cr Fell asked EMES about the desal plant on Mabuyag. EMES informed Cr Fell and audit is being carried out on the desal plants and the plant on Mabuyag will possibly be moved away.

Cr Pearson asked regarding

- Community access the public toilets.
- Progress on the wharf – EMES gave Cr Pearson an brief update.

ACTION: COO to contact Cr Pearson to have the discussion regarding the public toilet access.

Cr Sabatino asked the CEO if Council assets were covered for natural disaster. CFO confirmed we are covered.

Cr Lui asked for an update on the basketball courts on lama, last year we were waiting on insurance.

Cr Thaiday asked the COO for clarity around the water tank program and why it was tendered out and or given to local workers on ground to do the job. COO advised this is a BAS program.

Cr Thaiday also asked for update on the following issues;

- Security on barge monitoring
- Safe access to the school
- Asbestos removal

ACTION: COO to provide Cr Thaiday with an update on the safe access to the school at Erub.

ACTION: ME (Luke) to request from Telstra a rollout plan for the signed off bandwidth upgrade for the region. Obtain feedback from Telstra on the upgrade that was done at lama and Masig. Invite Telstra to our next meeting.

ACTION: CFO to review a costing and factor in our budget, time and target for a biometric system and facial recognition clock in system.

Cr Lui raised the following issues;

- SARG meetings – revert back to having it the day before OM.
- Rotating councillors in the Treaty cycle for exposure and experience. Cr Kaigey, Cr Tamu and Cr Akiba will be attending the next meeting.
- Connectivity – the bandwidth upgrade was signed off on last year. Requested a rollout plan
- Performance level of staff
- Visit from Senior management to Divisions – include TSIRC values and policies as part of the visit

Cr Lui asked Cr Elisala why he's on the telephone and not video conference.

ACTION: MIS to provide Cr Elisala with an video phone on Dauan.

SEA informed Councillors of an extension for the Diploma to 8th March 2019.

MLS informed Councillors of her visit to Division regarding Katter leases;

- Warraber and Masig – 4th March
- Saibai and Mabuyag – 25th March

Cr Bosun raised Cruise ship visits to our region in March and September and island hopping.

ACTION: MLS to have an out of session with Cr Bosun regarding the Cruise ship visits.

17. 4:52pm – 5:00pm Leave in Advance

The following Councillors applied for leave in advance;

- Cr Sabatino
- Cr Bosun
- Cr Tamu
- Cr Toby
- Cr Stephen
- Cr Nai (through Cr Fell as proxy. MLS advise Cr Fell to inform Cr Nai to send the formal request to Mayor Gela in writing as per the meeting guidelines)

The following Councillors gave their apology for tomorrow's meeting;

- Cr Stephen
- Cr Fell
- Cr Pearson
- Cr Bosun

18. 5:00pm – 5:01pm Next Ordinary Meeting Date

Date: 19 & 20 March 2019 Video Conference

Meeting Closed at 5:02pm - Prayer by Deputy Mayor

Wednesday 20 February 2019

Present

Cr Dimas Toby, Division 1 – Boigu (Cairns office)
Cr Torenzo Elisala, Division 2 – Dauan (Dauan office)
Cr Keri Akiba, Division 3 – Saibai (Saibai office)
Cr John Levi, Division 7 – St Pauls Community at Mua Island (St Paul's office)
Cr Getano Lui Jnr, Division 9 – Iama (Iama Office)
Cr Clara Tamu, Division 10 – Warraber (Warraber office)
Cr Patrick Thaiday, Division 14 – Erub (Erub office)
Cr Bob Kaigey, Division 15 – Mer (TI office)
Mr Bruce Ranga, Chief Executive Officer (CEO) (TI office)
Ms Jan Pool, Chief Operating Officer (COO) (KIRRIRI office)
Mr Jaydip Sengupta, Chief Financial Officer (CFO) (Cairns office)
Ms Hollie Faithfull, Financial Accountant (FA) (Cairns office)
Mr David Baldwin, Executive Manager Engineering Services (EMES) (Cairns office)
Mr David Abednego, Executive Manager, Community Services (EMoCS) (TI office)
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Mrs Kathy Cochran – Secretariat Officer (SO) (Cairns office)

Apologies

Cr Fred Gela, Mayor
Cr Laurie Nona, Division 5 – Badu
Cr Ted Nai, Division 12 – Masig
Cr Keith Fell, Division 4 – Mabuyag
Cr Francis Pearson, Division 11 – Poruma
Cr Rocky Stephen, Division 13 – Ugar
Cr Mario Sabatino, Division 8 – KIRRIRI
Cr David Bosun, Division 6 – Kubin Community at Mua Island
Ms Julia Maurus, Manager Legal Services (MLS)

19. 9:00am – 9:08am Opening prayer and welcome by Deputy Mayor

Deputy Mayor Lui, welcomed everyone and introduced Ms Sonja Marjanac from ClientEarth who joined our meeting via video conference from England. Councillors and staff then introduced themselves to Ms Marjanac.

Deputy Mayor opened the meeting in a word of prayer. CEO gave Councillors a brief background on ClientEarth.

20. 9:08am – 10:15am PRESENTATION 1: Ms Sophie Marjanac, Project Lead, Climate accountability, ClientEarth – briefing paper on Climate case proposal for Torres Strait Islanders.

Some points raised for consideration in the process are;

- TSRA Climate Change Strategy
- Torres Strait Treaty and traditional inhabitants
- Identifying individual from each community
- Ensure the involvement of passionate young people in this space

Ms Marjanac's next visit to the region – 11 – 23 March. Visiting TI, Boigu, Masig and Poruma.

21. 10:15am - 10:45am CEO closing remarks

CEO informs Council regarding some work done by our Team and our Champion Minister Fentiman in lobbying for disaster relief funds for our Region for the recent weather events.

CEO announced the Emergency Hardship Assistance Grant and explains what was available for families through this grant and a way forward in the approach to assisting families to access the grant. After some discussion around an action plan going forward, Council agreed on a three (3) prong approach.

- Online application
- Telephone application or
- In person application at Council office and or when staff visit the community.

All Councillors were in favour of this approach.

ACTION: CEO and Manager Engagement to meet with Tammy from the Department to commence the process for the Emergency Hardship Assistance Grant.

Cr Lui stated he was offended during the recent cyclone and actions taken which didn't include him as the Deputy Mayor in Mayor Gela's absence. However after the disaster management processes were explained to him, Cr Lui understood.

Cr Thaiday also wanted to note during the recent weather events when the warnings and updates were distributed via emails there were no SES crew on Erub to distribute the messages to the community members or place on Notice boards. For future events, the disaster management group and coordination should ensure their people are on ground or have alternate community people to notify community. CEO thanked Cr Thaiday for the feedback and will make a note to mention this feedback to the relevant staff in the disaster management space.

22. 10:45am – 10:45am Deputy Mayor closing remarks

Deputy Mayor thanked everyone for their attendance and invited Cr Levi to close the meeting in prayer.

Meeting Closed – 10:46am