



Torres Strait Island
REGIONAL COUNCIL

MINUTES

ORDINARY MEETING

Tuesday 23 July 2019: 9:15am to 5:11pm

Warraber Island Community Hall

Tuesday 23 July 2019

Present

Cr Fred Gela, Mayor
Cr Torenzo Elisala, Division 2 – Dauan
Cr Keri Akiba, Division 3 – Saibai
Cr Keith Fell, Division 4 – Mabuiag (Mabuyag office - VC)
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
Cr Francis Pearson, Division 11 – Poruma
Cr Ted Nai, Division 12 – Masig
Cr Rocky Stephen, Division 13 – Ugar
Cr Patrick Thaiday, Division 14 – Erub
Mr Bruce Ranga, Chief Executive Officer (CEO)
Ms Jan Pool, Chief Operating Officer (COO)
Ms Hollie Faithfull, Acting Chief Financial Officer (CFO)
Mr Peter Krebs, Manager Legal Services (MLS)
Mr Luke Ranga, Manager Engagement (ME)
Ms Ursula Nai, Senior Executive Assistant (SEA)
Mrs Kathy Cochran – Secretariat Officer (SO)

Apologies

Cr Dimas Toby, Division 1 – Boigu
Cr Laurie Nona, Division 5 – Badu
Cr David Bosun, Division 6 – Kubin Community, Mua Island
Cr Bob Kaigey, Division 15 – Mer

1. **9:15am – 9:19am** **Opening Prayer by Cr Thaiday and Welcome by Deputy Mayor Lui**

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

Mayor Gela invited Cr Tamu to address Council Cr Tamu Tamu

Mayor Gela acknowledged the following people

- Traditional owners of Warraber and Cr Tamu
- Chair of the PBC – Kabay Tamu
- Elders past and present and emerging
- Spiritual Leaders
- Councillors in attendance and absent
- CEO and staff

Mayor Gela also thanked Cr Tamu for her kind words and hospitality.

2. **9:19am – 9:21am** **Declaration of Conflict of Interest (COI) or Material Personal Interest (MPI)**

Cr Stephen declared and COI and MPI in the matter of Ugar transfer lease – Pau Stephen Cr Stephen is Pau’s brother

Mayor Gela declared a COI in the matter of Ugar transfer lease – Pau Stephen due to Pau Stephen being a close relative

Cr Thaiday declared a COI in the matter of Ugar transfer lease – Pau Stephen due to Pau Stephen being a close relative.

3. **9:21am – 9:25am** **Apologies**

- Cr Dimas Toby, Division 1 – Boigu
Cr Toby applied for leave of absence in advance at the June 2019 Ordinary Meeting.

RESOLUTION

Moved: Cr Nai; *Second:* Cr Elisala

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

MOTION CARRIED

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

RESOLUTION

Moved: Cr Stephen; *Second:* Cr Elisala

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

MOTION CARRIED

- Cr David Bosun, Division 6 – Kubin Community, Moa Island
Cr Bosun applied for leave of absence in advance at the June 2019 Ordinary Meeting.

RESOLUTION

Moved: Cr Fell; *Second:* Cr Pearson

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

MOTION CARRIED

- Cr Bob Kaigey, Division 15 – Mer
Cr Kaigey applied for leave of absence in advance at the June 2019 Ordinary Meeting.

RESOLUTION

Moved: Cr Fell; *Second:* Cr Tamu

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

MOTION CARRIED

Cr Fell as proxy for Cr Bosun applied for leave in advance for the August 2019 Ordinary meeting being held at Boigu.

Council also encourages a Leave Policy.

4. 9:25am – 9:31am Confirmation of June 2019 Ordinary Meeting Minutes

Page 3 – Item 2 Apology for Cr Tamu, should read Cr Tamu not Cr Sabatino

Page 3 – Change the wording of the resolution to read “considered und reasonable excuse.

Page 15 – Item 25 - Mover and Seconder for Moving into closed business – Mayor to supply names of Councillors to SO from his notes.

RESOLUTION

Moved: Cr Pearson; *Second:* Cr Akiba

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

MOTION CARRIED

5. 9:31am – 10:01am Outstanding Strategic Ordinary Meeting Action Items

1. SEA to contact Cr Levi for his medical certificate for his leave Sept 19 OM - close
2. MLS to furnish each Councillors with and information report on the leases in their community (undocumented commercial land occupation) – in progress
3. IKC Update – change action officer to EMCoS – due date Aug OM
4. House Price endorsement – AR to Council to capture 8 bedroom houses – close
5. 2020 Nominated special holidays - TS Flag and Mabo day recognition as national holidays – update October 2019 - HCAE
6. 2020 Nominated special holiday – SEA to place the Mabo day date clarification on the Community Consultation agenda for Mer - close
7. 2020 Nominated special holiday – EMCoS to confirm dates with Cr Elisala and Cr Toby - closed
8. 2020 Nominated special holiday – EMCos to submit a report on the financial implications and a breakdown for each individual Division – due date August 2019 OM
9. Trustee Sub Lease – Erub Multipurpose facility – Review original lease regarding sublease clauses – MLS due date August 2019 OM
10. Trustee – Surrender LHA – Ms Asai – MLS to have further discussions – in progress
11. Boigu Focus Group – Cr Toby asked for an update on an email sent to Council from Mr Matthew on behalf of Elder Donald Banu. Team to send update information to Cr Toby

ACTION: Amend action item 5 – Deputise with Commonwealth for National observance of Mabo Day and TSI Flag day.

ACTION: HCAE to get confirmation from Mer of the date for Mabo Day

ACTION: EMCoS to write to State to acknowledge Dauan Determination day in the gazette and why the confirmation of the date was submitted late.

ACTION: EMCoS to write to State also regarding Boigu Coming of the Light date be acknowledged in the gazette and why the confirmation of the date was submitted late. COO to follow up with EMCoS

ACTION: MLS to review the standard Lease Agreement for future Trustee Leases – ensure no negative impact to the Trustee with any sub leases. Cr Thaiday to be in the discussions.

ACTION: MLS to arrange a meeting with Ms Asai, Cr Pearson, CEO and Mayor to have discussions around information regarding surrendering of LHA lease.

6. **10:01am – 10:02am** **SARG Update – Verbal**

Mayo Gela will provide Council with a verbal update in closed business later on the Agenda

7. **10:02am – 10:03am** **Standing Agenda Items**

- Undocumented commercial land occupation project (verbal) – nothing to update.
- IKC update – no update

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

8. **10:03am – 10:06am** **LEGAL – Delegation Register**

MLS spoke to the report, this report presents new and amended statutory powers to Council for endorsement of delegation to the CEO. MLS took the report as read.

RESOLUTION:

Moved: Cr Sabatino; *Second:* Cr Pearson

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

- **Plumbing and Drainage Act 2018: the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as Attachment 2.**
- **Planning Regulation 2017: the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as Attachment 4.**

MOTION CARRIED

9. **10:06am – 10:16am** **LEGAL – Hardship Advisory Committee Policy**

MLS spoke to this report, the purpose of this report is to present to Council, for consideration, a policy for considering applications for discounted utility charges and utility charges waivers on the basis that payment of the rates or charges will cause “hardship”.

Council had discussions around having the following items or factors accounted for in the Policy;

- Dealing with conflict of interests (MPI, COI etc)
- Provisions for proxy
- Engagement with relevant departments internally and externally if its to do with Housing
- The role of the Committee is to provide recommendations to Council

The Policy was adopted in Principal subject to the above provisions being included in the Policy.

ITEM LEFT LYING ON THE TABLE

ACTION: MLS to include the above items in the policy and resubmit for endorsement by Council.

10. 10:16am – 10:17am CORPORATE SERVICES – Procurement Policy

HCAE spoke to this report; the purpose of the report is to REVIEW Council's Procurement Policy, as required in the Local Government Regulation 2012 (Qld).

The proposed amended Procurement Policy SPO2 with changes is included as Attachment 1. Changes are only minor as a further review is being undertaken by the Strategic Sourcing Manager who has just commenced at Council.

The only proposed changes relate to:

Torres Strait Island Regional Council – Corporate Affairs & Engagement 2

(a) Update to the last reviewed date to July 2019;

(b) Update to the next to be reviewed on date to July 2020.

RESOLUTION:

Moved: Cr Nai; *Second:* Cr Elisala

That Council resolve to endorse the Procurement Policy SP02, as amended.

MOTION CARRIED

10:17am – 10:47am – MORNING TEA Break

11. 10:47am – 11:41am CORPORATE SERVICES – Corporate Plan

HCAE presents to Council a power point on our revised Vision, Mission and Corporate Plan format.

RESOLUTION:

Moved: Cr Thaiday; *Second:* Cr Sabatino

Pursuant to Section 165 of the Local Government Regulation 2012, a local government must adopt its 5-year corporate plan in sufficient time to allow a budget and annual operational plan, consistent with the corporate plan, to be adopted for the first financial year that is covered by the plan

MOTION CARRIED

ACTION: HAEC to invite ICAN to have a deputation with each individual Councillor and liaise with each Councillor respectively.

12. 11:41am – 11:46am CORPORATE SERVICES – Operational Plan

HCAE spoke to this report.

RESOLUTION:

Moved: Cr Sabatino; *Second:* Cr Thaiday

Pursuant to Section 174 of the Local Government Regulation 2012, a local government must adopt an Annual Operational Plan for each financial year.

MOTION CARRIED

CEO thanked HCAE and his team for their great work.

13. **11:46am – 12:23pm** **MAYOR – 2019/2020 Original Budget**

ACFO spoke to this report. The purpose of this report is to present to Council and resolve for adoption by Council the Original Budget and Register of Fees and Charges for the 2019/2020 Financial Year.

The budget, incorporating fees and charges, has been formulated from analysing current and expected future operating activities and reviewing all grant funding agreements.

The Budget and Register of Fees and Charges have been prepared in accordance with the aforementioned legislative requirements and are recommended for adoption.

ACFO spoke of some sections of the Budget namely; subsequent events, capital items and 19/20 operating budget.

Cr Sabatino raised the topic of Katter leases and encouraged tenants to put pressure on the State to get their leases transferred.

ACTION: MLS to review the DOGIT transfers and assets being moved from TSIRC to the Leasee.

ACFO highlighted removing clause relating to business operating from a private house.

ACTION: Develop a privacy and access policy, identify access/ users. Cr Tamu asked about Legal implications for Council with children swimming at the wharf.

Cr Sabatino asked about the WHS audit and if the WHS officer looked at what assets were available on ground and modify cage and lift. At Budget review narrow focus on trailer expenditure (\$300k) – rollout of prototype to be completed by end of month.

ACTION: Project implementation Plan – keep it simple,

- **community listed**
- **delivery and installation**
- **specific workflow**

RESOLUTION:

Move: Cr Pearson; *Second:* Cr Sabatino

I. Pursuant to section 170A of the Local Government Act 2009 and sections 169 and 170 of the Local Government Regulation 2012, Council’s Budget for the 2019/2020 financial year, incorporating:

- (i) The statements of financial position;**
- (ii) The statements of cashflow;**
- (iii) The statements of income and expenditure;**
- (iv) The statements of changes in equity;**
- (v) The long-term financial forecast;**
- (vi) The revenue statement;**
- (vii) The revenue policy (adopted by Council resolution on Monday 20 May 2019);**
- (viii) The relevant measures of financial sustainability; and**
- (ix) The total value of the change, expressed as a percentage, in the rates and utility charges levied for the financial year compared with the rates and utility charges levied in the previous budget; as tabled, be adopted.**

II. Pursuant to section 98 of the Local Government Act 2009, the Register of Fees and Charges for the 2019/2020 financial year are adopted by Council.

MOTION CARRIED

14. **12:23pm – 12:25pm** **FINANCE – Statement of Estimated Financial Position**

ACFO spoke to this report, the purpose of this report is to present to Council at the annual budget meeting the Statement of Financial Operations and Financial Position in respect of the previous financial year to be received and its contents noted.

The Estimated Statement of Financial Position is based on Council's QTC Long Term Financial Model created as part of Council's 2019/2020 Original Budget documents. The 2019 figures have been estimated based on Council's 2018/2019 Budget Review figures and adjusted for capital work in progress (WIP).

RESOLUTION:

Moved: Cr Pearson; *Second:* Cr Lui

Pursuant to section 205 of the Local Government Regulation 2012, the statement of financial operations and financial position of the Council in respect of the previous financial year ("the Statement of Estimated Financial Position") be received and its contents noted.

MOTION CARRIED

LUNCH – 12:25pm – 1:42pm

15. **1:42pm – 1:42pm** **COUNCIL MOVE INTO TRUSTEE**

RESOLUTION:

Moved: Cr Nai; *Second:* Cr Elisala

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

16. **1:42pm – 1:48pm** **TRUSTEE – LHA Lease Transfer Pau Cloudy**

- Cr Stephen declared a material personal interest (MPI) and a conflict of interest (COI)
 - MPI/COI details: Cr Stephen is the applicants brother
 - How the Council proposed to deal with the MPI/COI: Cr Stephen left the room

- Cr Gela declared a conflict of interest (COI)
 - COI details: Cr Gela is a close relation of the applicant
 - How the Council proposed to deal with the COI: Cr Gela remained in the room but did not vote.

- Cr Thaiday declared a conflict of interest (COI)
 - COI details: Cr Thaiday is a close relation of the applicant
 - How the Council proposed to deal with the COI: Cr Thaiday remained in the room but did not vote.

Mr Gela delegated the Chairing of the meeting to Cr Lui due to his conflict of interest.

RESOLUTION:

Moved: Cr Sabatino; *Second:* Cr Fell

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 718753439 from Pau Nophen Stephen and DanilTibau Stephen to Pau Clowdy Stephen for Lot 31 Drankie Street (Lot 31 on SP282706) on Ugar.

MOTION CARRIED

17. 1:48pm – 1:59pm TRUSTEE – 123 Damascus Road, St Pauls Community

MLS spoke to this report. This report seeks a Council trustee decision to settle the two competing claims for a 99 year lease for 123 Damascus Road, St Pauls between Alonza Ahwang and Anthony Pilot.

RESOLUTION:

Moved: Cr Levi; *Second:* Cr Elisala

That pursuant to the Torres Strait Islander Land Act 1991 (Qld), the Trustee grant a 99 Year Lease to Anthony Pilot for Lot 123 on SP256048 (123 Damascus Road, St Pauls) subject to consent from the Department of Housing and Public Works to the sale of the dwelling, payment of the social housing purchase price, and registration of an Indigenous Land Use Agreement to which Council is a party.

MOTION CARRIED

ACTION: MLS respond to both applicants and the other letter in relation to the matter as per the discussion.

18. 1:59pm – 1:59pm COUNCIL MOVE OUT OF TRUSTEE

RESOLUTION:

Moved: Cr Fell; *Second:* Cr Thaiday

That Council move out of Trustee and resume normal Local Government business.

MOTION CARRIED

20. 2:00pm – 2:00pm COUNCIL MOVE INTO CLOSED BUSINESS

RESOLUTION:

Moved: Cr Tamu; *Second:* Cr Levi

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.

MOTION CARRIED

Further the public in attendance were asked to leave.

21. ENGINEERING – Erub STP Renewal
22. ENGINEERING – Tide Gauge Project

2:16pm – 2:56 pm All Staff present except the CEO were asked to leave the room.

23. GOVERNANCE – Deputy Mayor Position
24. SARG Update

2:56pm - 2:56pm Staff were called back into the room and re-joined the meeting.

25. 3:15pm - 3:15pm COUNCIL MOVE OUT OF CLOSED BUSINESS

RESOLUTION:

Moved: Cr Elisala; *Second:* Cr Nai

That Council move out of Closed Business

MOTION CARRIED

21. ENGINEERING – ERUB STP Renewal

RESOLUTION:

Moved: Cr Thaiday; *Second:* Cr Nai

That Council resolves to:

- Award Contract *TSIRC 2019-151- ICCIP Project #27 - Erub Sewage Treatment Plant (STP) Renewal* to Koppen Construction up to an amount of \$3,380,103.00 excl GST, which includes “If ordered” items to the value of \$1,054,881.00 excl 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 or in relation to this project and contract in accordance with TSIRC’s procurement practices and policies.

MOTION CARRIED

22. ENGINEERING – Tide Gauge Project

RESOLUTION:

Moved: Cr Elisala; *Second:* Cr Nai

That Council resolve to:

- That pursuant to Section 235(f) of the Local Government Regulation 2012 (QLD), appoint the Department of Environment and Science to undertake supply and installation of Tide Gauges (4 sites), Tidal Plane studies (11 sites for 3 months) and maintenance of Tide Gauges (9 sites for 5 years) from 1 August 2019 for the sum of \$626,903.10 (ex. GST).

MOTION CARRIED

23. GOVERNANCE – Deputy Mayor Position Vacant

RESOLUTION:

Moved: Cr Tamu; *Second:* Cr Nai

That pursuant to Section 165 (3) of the Local Government Act 2009 (Qld) Council resolve to declare the office of the Deputy Mayor vacant.

MOTION CARRIED

26. 3:15pm – 3:18pm GOVERNANCE – NOMINATION OPEN FOR DEPUTY MAYOR POSITION

Cr Elisala nominated Cr Fell for the Deputy Mayor position. Cr Fell accepted. No other nomination received.

RESOLUTION:

Moved: Cr Elisala; *Second:* Cr Levi

That Council accepts the nomination of Cr Fell to the Deputy Mayor position.

MOTION CARRIED

27. 3:18pm – 3:22pm GOVERNANCE – APPOINTMENT OF DEPUTY MAYOR POSITION

RESOLUTION:

Moved: Cr Elisala; *Second:* Cr Levi

That Council resolves to appoint Cr Keith Fell to the position of Deputy Mayor unopposed.

MOTION CARRIED

28. 3:22pm – 3:32pm CORPORATE AFFAIRS – Meeting Locations

HCAE spoke to this item and suggested to Council when setting the date for Council meetings and the venue to be mindful of availability of accommodation for the proposed Division and other events happening on that Division or in the Region around that time.

29. 3:32pm – 3:40pm Cr Fell – 2020 North Queensland Games

Cr Fell spoke to this item, informing Council of the proposal to have the 2020 North Queensland Games to be held within the Torres Strait Region. With different Division's hosting various codes of sport.

ACTION: HCAE to have a meeting with Cr Fell to have further discussion regarding the 2020 NQ Games.

30. 3:40pm – 3:42pm Leave in Advance

The following Councillors applied for leave in advance;

- Cr Nai
- Cr Levi
- Cr Lui
- Cr Bosun (proxy – Cr Fell)
- Cr Tamu
- Cr Stephen
- Cr Pearson

3:42pm – 4:00pm – AFTERNOON TEA Break

31. 4:00pm – 5:06pm General Business

Cr Fell convened the meeting as Chair due to Mayor Gela having urgent matters to address.

SEA informs Councillor of their travel arrangements for Wednesday morning.

Cr Tamu suggested our HLO engage with other codes of sport and work with Tagai College in the Divisions to align the school behaviour system to sports and only for children with high behaviour standards to be selected to participate in HLO activities.

ACTION: COO to have a conversation with HLO Coordinator to adopt Tagai's behavioural system and work collaboratively with other stakeholders.

Cr Tamu also spoke about staff applying for grant funding and further education of the Grant processes to be discussed and reviewed with the Grant Officer.

ACTION: Cr Tamu, COO and CEO to have out of session regarding Grants funding.

ACTION: Cr Tamu to forward email from Grant Officer to COO.

ACTION: MLS to review the grants funding policy

Cr Elisala asked about

- 4G rollout – CEO responded with an update.
- Shelter for Traditional visiting – Cr. Elisala to discuss with Cr. Lui offline
- HLO Position for Dauan

ACTION: COO to follow up with HR regarding the HLO position for Dauan.

ACTION: Cr Elisala to email Cr Lui for follow up on the shelter PNG visitors.

Cr Nai spoke regarding Community Grants being used for funeral expenses around the Region.

ACTION: HCAE and A/CFO to review the Community Grants, focus the financial implications and the amount Councils contributed since amalgamation. Also include the data from sporting grants.

Cr Lui mentioned Telstra and the appeal regarding the warning light on the tower at lama.

ACTION: COO to arrange a meeting with CEO, COO, Telstra and Cr Lui to discuss the lighting on the tower.

Cr Lui also raised concerns about Skytrans cutting services to the outer islands.

ACTION: SEA to invite Skytrans to our meeting to allow them opportunity state their position with suggested cuts to their services.

Cr Fell asked about the Trust fund and whether there was a Policy around it.

- Provide an Information report on Trustee Account
- Councillors to engage with community on what projects to use the funds for
- Road signs – speed signs set at 50kph.
- Change traffic management plan
- School signs – no speed limit during certain hours.

ACTION: Kevin to visit and talk to COO and Engineering team.

Cr Fell also raised the following issue for his Division – Mabuiag

- Vending machine for the airport
- Upgrade basketball courts at Mabuiag
- Community visit to Mabuiag – change date of visit
- 2021 Games going ahead - \$100k to employ a co-ordinator with TSIRC
- Engagement from Mayor to deputise with Torres Shire Council

ACTION: SO to place on the next meeting – Planning for the next Cultural Festival.

ACTION: TSIRC to make contribution George MYE tombstone.

Cr Thaiday spoke on asbestos removal before December 2019.

Mayor Gela spoke regarding Cr Nona' email requesting assistance for his sister's funeral Laurie

ACTION: Councillors are asked to respond by email to Cr. Nona.

5:06pm – 5:11pm

Closing remarks

Mayor Gela thanked Cr Tamu and her community for their hospitality and congratulated her and her husband on their 31 years wedding anniversary. Mayor also announced a \$5k gift for the Warraber community.

Mayor Gela also announces the \$5k gift to Hammond community for hosting the June OM which will be announced at an upcoming Community meeting.

ACTION: Councillors are asked to respond to the Mayor with their proposed Community meeting dates so the dates can be circulated.

ACTION: COO - Advice to be circulated to Councillor re: Grants time frame with applications.

32. 5:11pm – 5:15pm

Next Ordinary Meeting Date

Date: 21 & 22 August 2019 Division 1 – Boigu Island

Meeting Closed at 5:15pm - Prayer by Cr Pearson