



Torres Strait Island
REGIONAL COUNCIL

MINUTES

ORDINARY MEETING

Wednesday 24th August 2016 – Thursday 25th August 2016

Please find attached Minutes of the above meeting held on Wednesday 24th August 2016 from 9.00am - 6.00pm and Thursday 25th August from 9.12am - 4.00pm at the Olandi Pearson Memorial Hall, Poruma Island.

Tuesday 24 August 2016

Present

Cr Fred Gela, Mayor

Cr Keith Fell, Deputy Mayor, Division 4 – Mabuiag Island

Cr Torenzo Elisala, Division 2 – Dauan Island

Cr Keri Akiba, Division 3 – Saibai Island

Cr Laurie Nona, Division 5 – Badu Island

Cr David Bosun, Division 6 – Kubin Community at Moa Island

Cr John Levi, Division 7 – St Pauls Community at Moa Island

Cr Mario Sabatino, Division 8 – Hammond Island (attended partially via Teleconference)

Cr Getano Lui Jnr, Division 9 – Iama Island

Cr Clara Tamu, Division 10 – Warraber Island

Cr Francis Pearson, Division 11 – Poruma Island

Cr Ted Nai, Division 12 – Masig Island

Cr Rocky Stephen, Division 13 – Ugar Island

Cr Patrick Thaiday, Division 14 – Erub Island

Cr Bob Kaigey, Division 15 – Mer Island

Ms Dania Ahwang, Chief Executive Officer (CEO)

Mr Chris McLaughlin, Executive Manager Corporate Services (EMCS)

Ms Melissa Barmettler, Executive Manager Financial Services (EMFS)

Mr David Baldwin, Executive Manager Engineering Services (EMES)

Mr Ewan Gunn, A/Executive Manager Community Services (A/EMCoS)

Ms Daisy Ketchell, Executive Officer (EO)

Ms Lorna Bowie, A/Executive Assistant (A/EA)

Ms Dinah Sailor (TAO) (Minutes)

In attendance:

Ms Bianca Barling-Seden, Manager Engagement

Ms Alesha Savage, Engagement Officer

Mr David Mullins, Queensland Treasury Corporation

Mr Tim Elder, Queensland Treasury Corporation

Ms Romina Fujii, Board Member, TSIMA

Mr Frank Faid, Board Member, TSIMA

Ms Jennifer Enosa, Senior Broadcaster, TSIMA

Apologies

Cr Dimas Toby, Division 1 – Boigu

Mr David Abednego, Executive Manager Community Services (EMCoS)

1. **9.00am-9.10am** **Opening Prayer and Welcome**

1.1 Opening Prayer by Cr Levi

1.2 **One Minute's Silence**

There was a minute silence to pay respect to families who have lost their loved ones recently.

1.3 **9.05am** **Mayor's Welcome and Opening Remarks**

Acknowledged Traditional Owners and Elders past and present of Poruma Island Community.

Welcomed Councillors and Staff and thanked Cr Pearson and Community of Poruma for hosting the Council meeting and also acknowledged Ms Nazareth Faud, PBC Chair, for the Porumalgal (TSI) Corporation RNTBC to do welcome to country.

EA will organise a time tomorrow around lunch for Councillors to tour the erosion sites with Cr Pearson.

1.4 **9.08am** **Welcome by PBC Chairlady – Porumalgal TSI Corporation**

Ms Faud welcomed Mayor, Councillors and Staff to Poruma Island on behalf of Traditional Owners and Elders of the Community.

1.5 **9.10am** **Welcome by Cr Pearson**

Cr Pearson welcomed Mayor, Councillors and Staff advising the 23 August celebrations was a very proud event and having the TSIRC Council Meeting hosted by Poruma Community. Councillors would be able to see first hand and to go through issues their community has, especially the inundated erosion area. Cr Pearson conducted an overview of housekeeping.

2. **9.10am-9.15am** **Apologies**

Cr Dimas Toby – Leave in Advance

RESOLUTION

Moved Cr Levi, Seconded Cr Nona

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

MOTION CARRIED

It was noted that:

- Cr Nai is on his way in transit to Poruma and will be attending the meeting.
- Cr Sabatino will be joining us via Teleconference and will join in discussions and decision-making for the two days.

3. **9.15am-9.20am** **Declaration of Conflict of Interest (COI) or Material Personal Interest (MPI)**

Cr Bosun declared his COI and MPI - *Debt write-off report*

Cr Levi declared his COI - *Debt write-off report*

Cr Nona declared his COI - *Debt write-off report*

Cr Tamu clarified if Councillors declare their COI & MPI upfront first and then at discussion point declare again.

Mayor Gela advised COI & MPI are noted for record at the beginning of the meeting and then prior to discussion point on meeting topic, matter will be put to Councillors to declare COI & MPI if necessary.

Mayor Gela welcomed David Mullins and Tim Elder from Queensland Treasury Corporation (QTC) presenting to Council this morning on the Strategic Financial Review Finding and advised that the context of the paper and the report itself is very interesting and that the findings in particular should be written up for this Council on how we progress forward.

4. **9.20am-10.45am** **PRESENTATION:** David Mullins and Tim Elder – Queensland Treasury Corporation (QTC) – ***Strategic Financial Review Finding***

Tim discussed the following:

1. Approach
2. Findings
3. Recommendations

QTC has a standardized process for reviewing Councils to consider the financial sustainability based on 3 main points:

1. Governance and Planning Practices
2. Financial Management
3. Asset Management Practices

Cr Lui sought clarification on the roles of the Audit Committee and QTC. David advised QTC acts as a third party as a reviewer to just look at matters and come up with some suggestions for possible improvement.

Mayor advised he does not see the report as a controversial report and that the recommendation presented today is that there are various representations and critical decisions that Council needs to discuss and consider. With the information at hand it would really assist us to start thinking about the areas of changes that need to be made such as downsizing, operating at surplus, investment planning, eg. do we need a new sewerage plant etc. Council is in a position where there are real changes that need to take effect for the benefit of our Region.

Cr Nona raised concerns that in many divisions not everyone is on same level/page in what's happening in the community and that Councillors should be kept updated/informed on issues that affects their community and have that knowledge that when they come around the table at Council Meetings and recommendations such as this presented to Council, they will be able to make clear and concise decisions.

The principle message in this report is the strategic information. Councillors decide policy and identify outcomes/objectives and set strategy. Strategy is the plan how Council will get there and allow critical staff to deliver. Priorities such as housing, erosion, water, sewerage, waste management, cash flow, financial strategy were defined by Councillors as needing to be set to achieve vision.

Cr Lui enquired whether the uniqueness of Council's operations, ie. That we do more than standard local government, was factored into the review and critical questions around whether we are trying to do too much and whether we should focus on key areas and get those done rather than chipping away and achieving only semi-delivery across multiple areas.

Cr Pearson blessed the Morning Tea
10.45am – 11.20am Morning Tea Break

5. **11.20am-11.45am** **PRESENTATION:** David Mullins and Tim Elder (QTC) - ***Strategic Financial Review Finding*** (Cont'd)

David discussed and presented Council a list of recommendations via PowerPoint presentation.

It was noted that the forecast for Council has been more focused at the year by year level. On a cash basis, revenue has got to exceed expenses.

David advised that when QTC considers debt servicing ability the 2 key items looked at are operating surplus and cash reserves.

Cr Nona queried what is the cause or indicator that will drive us into deficit.

EMFS responded to Cr Nona advising that Council has been operating on very small operating surplus before depreciation year on year and that is projected to continue until 18/19 Year. EMFS further advised that one of the significant changes to Council is the loss of \$10million of NPARIH recoverable works revenue for social housing. This is one of the big drivers causing the operating surplus change to a deficit in 18/19 Year. It is time now for Council to make that change and look at what Council needs to do for Council to continue to have that operating surplus year on year and also build up cash reserves via cash in the bank.

David advised Councillors to contact Melissa on any further queries for her to pass on to QTC who will be happy to look at responding to those questions.

Mayor concluded:

- Council to look at the recommendations seriously and consider and formulate what strategies needed to implement to change the curve in regards to what will happen if Council does not make the changes.
- Expect CEO/Executive Team to:
 - Identify all of those contributing factors in our operations that contribute to us being in a position that leads to deficit in 18/19.
- It is best that Council know now rather than wait until 2018 and still be in a predicament.

Action: CEO/Executive Team to identify contributing factors in our operations and formulate strategies to effect positive sustainability trends going forward.

Mayor thanked David and commended the work and efforts of QTC.

11.45am *Mayor advised that the presentation by TSIMA has been deferred to 1.00pm due to their flight plan into Poruma.*

11.46am *Mayor Gela congratulated Cr Keri Akiba once again as Councillor for Saibai acknowledging that Cr Akiba is no stranger to Council and noted that this is his first Council Meeting as Councillor for TSIRC. Cr Keri Akiba was welcomed by a round of applause.*

6. **11.47am-11.50am** **CEO: Confirmation of July 2016 Ordinary Meeting Minutes**

RESOLUTION

Moved Cr Pearson, Seconded Cr Lui

That the minutes of Ordinary Meeting held 18th & 19th July 2016 be adopted as true and accurate.

MOTION CARRIED

7. **11.50am – 11.52am** **CEO: Confirmation of August 2016 Special Meeting Minutes**

Mayor Gela advised he travelled to Saibai with some Councillors and CEO to attend a Special Meeting that was convened specifically to focus on Cr Akiba taking the oath of office. Mayor Gela commented that it was an excellent day.

RESOLUTION

Moved Cr Elisala, Seconded Cr Fell

That the minutes of Special Meeting held 05 August 2016 be adopted as true and accurate.

MOTION CARRIED

8. **11.52am-12.04pm** **CEO: Action Item Summary from July 2016 Meeting**

CEO advised action items have been reviewed but still a few that needs to be updated. Executives may further update verbally on the action items relevant to their areas upon request.

Previous Action Items

Cr Tamu requests that action items in information reports that have not been addressed to be brought forward to the table at each meeting that way they can see or discuss further if necessary.

Mayor requested Councillors to peruse through the action items and highlight what they need to query/discuss so that they can table it when Mayor prompts that point of discussion at Day 2. Mayor referred to the action items from the July Meeting for Councillors to discuss and advise members all the ongoing action items captured from all previous meetings can be found in the Information Report.

Update on Street Lighting

Cr Lui queried on Street Lighting. Mayor noted that there is a full report on street lighting in the information report but still need discussion. CEO advised that Council is seeking clarification on who is responsible for street lighting.

IBIS Dumping Fees

Cr Pearson requested update of IBIS dumping .

CEO advised that Finance had preliminary discussions with IBIS. Engineering Services will be in touch with IBIS to discuss costs and process for dumping.

Mayor welcomed and acknowledged community member Mr Stephen Faid who joined the meeting advising that Council Meetings are open to the Public.

Water Tanks Darnley

Cr Thaiday sought update on this issue. CEO advised there was an email from the Department (Rick Healey) that was sent to Cr Thaiday from the Department but will follow up again with Simon to get further advice. Key issue was that the tanks are being provided under the NPARIH Program

Cr Thaiday reiterated that his request was due to issue with water shortages and the Department should look at providing 10,000 litre tank instead of smaller sizes.

Action: CEO will discuss further with the Department to look at type and standard of tank to be included in the NPARIH Program roll out

Local Government Training

Cr Elisala queried on formal local government training.

CEO advised consideration was being given as to whether it will be part of mandatory professional development and considering the attendance of Councillors at the training

to include completion of all competencies. We need to identify all the people who are interested in doing training and taking into consideration Council events happening as well.

Mayor revised with Councillors for the benefit of Cr Akiba the conferencing unit system and how the voting system works. Cr Fell showed Cr Akiba on how to use the system.

9. 12.05-12.10pm Corporate Services: Dauan Advisory Committee

Cr Elisala declared his COI on this subject on the basis of a family member being recommended for appointment to the advisory committee. Councillors noted the declaration and permitted Cr Elisala to comment on the report and vote.

RESOLUTION

Moved Cr Bosun, Seconded Cr Nona

That pursuant to section 264 of the Local Government Regulation 2012 (Qld), Council: -

1. appoint the Advisory Committee – Dauan Island; and
2. approve the Terms of Reference (attached); and
3. endorse the selection of the following three (3) voting members by the member for Dauan Island under Expression of Interest process:
 - i. Mario Soki;
 - ii. Davidson Franklin Elisala; and
 - iii. Sam Colin George Maka; and
4. approve remuneration of \$100 per day (or part thereof) per voting member in accordance with the Terms of Reference.

MOTION CARRIED

Mayor briefly explained the Advisory Committee Role and responsibilities to Cr Akiba and if he is interested in that to advise Council.

Cr Tamu queried on Advisory Committee for Warraber has been advertised. EMCS advised if Cr Tamu has not received anything as yet will look at advertising again.

Action: EMCS to contact Julia and liaise with Cr Tamu on the progress of Warraber Advisory Committee EOI.

10. 12.10pm-12.40pm Finance: Regional & Community Grant Request – Blue Water

Cr Nona raised the issue on the definition of in-kind support and how he interprets it - the good *pasin* is there. If the community asks for in-kind, then it is provided free, so how does money come into play.

Mayor advised staff to note Cr Nona's issue on in-kind support and that it to be raised in General Business.

Cr Lui supports and agrees with Cr Nona regarding in-kind support because of the different interpretation of the word "kind" and that Council should look into the policy and look at another option for wording.

Mayor noted that Council approves the Policy and can review and choose to amend it. Any changes to policy can be advised to the applicant and that they need to amend or complete a new application to Council.

Mayor requested a paper to the Council Meeting for the Regional Grant and Community Grant eligibility and review of in-kind support.

The matter was let *“Lie on Table”* subject to paper being forthcoming to Council for further discussions on Regional and Community Grants and In-Kind Support.

Action: EMFS to prepare paper on Regional Grant and Community Grant eligibility and in-kind support and bring back to Council for further discussions.

Cr Sabatino noted that given the application was deemed ineligible, there was no resolution to be passed by Council. CEO agreed noting the application was deemed to be of interest to the whole Council.

12.40pm Mayor welcomed Cr Nai who joined the meeting.

Cr Stephen blessed the Lunch
12.44pm – 1.12pm Lunch Break

11. 1.12pm-2.15pm PRESENTATION: TSIMA - *RIBS Funding*

Mayor welcomed Romina Fuji, Frank Faud Snr and Jenny Enosa and advised Councillors to give TSIMA team the opportunity to present as they have only travelled in for the day and will leave as per their flight plan.

It was noted by Ms Fuji that RIBS funding is being held with TSRA and the advice given to TSIMA was that they need to work closely with TSIRC to come to some agreement or an MOU and how the funding will be rolled out to communities.

Ms Fuji noted the evaluation done on RIBS equipment.

Mr Faud added that communication is needed in our communities.

EMCS briefly discussed the background on RIBS to bring Councillors up to speed on the issue. The period covered in the background was 2014 to current.

It was noted that Mabuia tower had not been removed.

Action: EMCS to review agreement to remove Mabuia tower at 50% TSIMA and 50% TSIRC cost sharing.

CEO advised that license fees for Mabuia had been reversed by Council as they had not used the facility at Mabuia.

Mayor recommended a three (3) way discussion (TSRA, TSIMA and TSIRC).

Council wants TSIMA on communities to support communications.

In terms of funding, Council also faces continual challenges and acknowledges that TSIMA is the best vehicle to deliver RIBS in communities. Mayor further noted that the bid that TSIRC submitted initially to TSRA fully costed what is required in terms of funding.

Cr Lui acknowledged that RIBS is important to our community re culture/cross communication and supported the 3 way discussions to solve this issue ASAP.

An evaluation forum on programs to be developed by TSIMA was suggested . CEO advised Council can do this through the stakeholder survey in communities. Ms Fuji agreed this was a good approach.

Mayor advised when TSIMA is seeking financial support on variation with full board of TSRA, Mayor is happy to come in and support them at the Board Meeting.

Cr Tamu advised communities should be linked up at Council meeting whether it be Saibai or Dauan. People can come into their communities and look on screen and follow the deliberation of Council Meetings.

Cr Nona advised social media is increasing and communities are engaging communication since BRACS.

Ms. Enosa advised look at pushing social media out to communities to inform and communicate and to collaborate or work with TSIRC to survey.

Mayor advised happy to support TSIMA and will look at survey (CEO to advise staff member), and forward specific segment to TSIMA.

Action: CEO to look into the survey and advise staff member and forward specific segment to TSIMA.

Cr Kaigey queried on Training with TSIMA. Ms Fuji advised that a Cert III will be advertised soon through Torres News.

Cr Bosun flagged his eagerness to get Kubin RIBS up and running as soon as possible.

Mayor predicts that there will have a very good discussion with TSRA during the 3 way conversation. Monday is TSRA Induction so will need await and to tread with caution recalling issues discussed by QTC.

TSIMA advised will look at Video Conferencing but if Council already in the process would be good.

Cr Nona left the meeting.

Mayor thanked TSIMA and for coming out to Poruma to talk to Council. Staff will be in contact with TSIMA re 3 way conversation.

Action:

1. CEO to convene the meeting between TSRA, TSIMA and TSIRC.
2. CEO to formalize agenda to include previous minutes and MOU – look at a number of key topics to capture at the discussions.

12. 2.15pm-2.20pm Corporate Services: Development Application – St. Pauls – DATSIP – Reconfiguration of a Lot

RESOLUTION

Moved Cr Levi, Seconded Cr Nai

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 SP282706 dated 16 Nov 2015 and SP282729 dated 30 Nov 2015.

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

3. 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.
4. 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.
5. The applicant is responsible for the cost of providing any necessary services to the proposed new housing leases on the following Lots:
 - No 42 Levi St – Lot 42 on SP256048
 - No 43 Futura St – Lot 43 on SP256048
 - No 44 Futura St – Lot 44 on SP256048
 - No 45 Levi St – Lot 45 on SP256048
 - No 64 Anu Namai Rd – Lot 64 on SP256048
 - No 121B Gela St – Lot 120 on SP256048
 - No 125 Gela St – Lot 125 on SP256048
 - No 135 Saveka Street – Lot 135 on SP256048
 - No 138 Futura St – Lot 138 on SP256048
 - No 145 Levi St – Lot 145 on SP256048
 - No 161 Pedro St – Lot 161 on SP256048
 - No 164 Morrison Crescent – Lot 164 on SP256048
 - No 165 Morrison Crescent – Lot 165 on SP256048
 - No 174 Ware Rd – Lot 174 on SP256048
 - No 164A Morrison Crescent – Lot 180 on SP256048
 - No 188 Morrison Crescent – Lot 188 on SP256048
 - No 161A Pedro Crescent – Lot 190 on SP256048
 - No 162A Pedro Crescent – Lot 191 on SP256048
 - No 157A Pedro Crescent – Lot 193 on SP256048
 - No 230 Anu Namai Rd – Lot 230 on SP256048
 - No 300A Futura St – Lot 300 on SP256048
 - No 302 Saveka Street – Lot 302 on SP256048
 - No 303 Saveka Street – Lot 303 on SP256048
 - No 304 Saveka Street – Lot 304 on SP256048
 - No 305 Saveka Street – Lot 305 on SP256048
 - No 306 Saveka Street – Lot 306 on SP256048
 - No 307 Saveka Street – Lot 307 on SP256048

MOTION CARRIED

Cr Nona absent during voting

13. 2.20pm-2.25pm

Corporate Services: Development Application – Erub – DATSIP – Reconfiguration of a Lot

Cr Nona returned to meeting.

Cr Thaiday fully supports this subject and queried private houses flagged but missed from ILUA application. Only 6 applicants were included.

Action: CEO to clarify Erub ILUA process with DATSIP and provide feedback to Cr Thaiday.

RESOLUTION

Moved Cr Thaiday, Seconded Cr Pearson

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 SP270873, SP276455 and SP276456.

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.

2. 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.

4. The applicant is responsible for the cost of providing any necessary services to the proposed new housing leases on the following Lots:

- No 101 Lot 51 Egrue Village
- No 100 Lot 57 Egrue Village
- No 35 Lot 120 Dadamud Village
- No 156A Lot 171 Greenhill Village (vacant)

MOTION CARRIED

14. 2.25pm-2.30pm CEO: Fraud Management Framework – LATE REPORT

RESOLUTION

Moved Cr Nona, Seconded Cr Levi

That Council endorse the Fraud and Corruption Policy (PO14) as presented.

MOTION CARRIED

15. 2.30pm-2.53pm Trustee Meeting

RESOLUTION

Moved Cr Elisala, Seconded Cr Stephen

That in accordance with Section 83 of 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

15.1 2.31pm-2.50pm Warraber Social Housing Lease

Request by Cr Tamu for Council to attend and look into this by visiting the boundaries/area at Warraber.

Mayor advised that delays may jeopardise future program as there is a target deadline and urgently needs to be sorted by Program Office, PBC and Council.

Cr Tamu advised that Council needs to respect TO's land and be dealt with properly.

The matter was "LET LAY ON THE TABLE" seeking further investigations and clarification on the boundary between the two Lots.

Action: EMCS to contact Program office and look at resolving boundary issues between Program Office, PBC and Council.

15.2 2.50pm-2.52pm St. Pauls Social Housing Lease

RESOLUTION

Moved Cr Levi, Seconded Cr Nona

That pursuant to the Torres Strait Islander Land Act 1991 (Qld), the Trustee grant a standard lease to the State of Queensland (as represented by the Department of Housing and Public Works) over the below Lease areas on SP256048 for Social Housing Purposes and other Government Services Use of and incidental to that purpose, namely: -

Plan/Document number	Lot Number	Date
SP256048	Lot 42, Lot 43, Lot 44, Lot 45, Lot 120, Lot 125, Lot 135, Lot 138, Lot 145, Lot 161, Lot 164, Lot 165, Lot 174, Lot 180, Lot 188, Lot 190, Lot 191, Lot 193, Lot 230, Lot 300, Lot 302, Lot 303, Lot 304, Lot 305, Lot 306, Lot 307	8 January 2015

MOTION CARRIED

15.3 2.52pm-2.53pm

Erub Social Housing Lease

RESOLUTION

Moved Cr Thaiday, Seconded Cr Elisala

That pursuant to the Torres Strait Islander Land Act 1991 (Qld), the Trustee grant a standard lease to the State of Queensland (as represented by the Department of Housing and Public Works) over the below Lease areas on SP270873, SP276455 and SP276456 for Social Housing Purposes and other Government Services Use of and incidental to that purpose, namely: -

Plan/Document number	Lot Number	Date
SP270873	Lots 51, 57 and 120	14 September 2015
SP276455	Lots 171	14 September 2015
SP276456	Lots 641 and 642	14 September 2015

MOTION CARRIED

2.53pm

Move out of Trustee Meeting

RESOLUTION

Moved Cr Kaigey, Seconded Cr Bosun

That in accordance with Section 83 of Local Government Act 2009 (QLD) Management of Community Development of Grants in Trust, the meeting of the Trustee of Community DOGIT be concluded and the separate meeting of the Indigenous Regional Council resumed.

MOTION CARRIED

Cr Fell blessed the Afternoon Tea

2.54pm-3.30pm Afternoon Tea Break

16. 3.30-5.32pm

Closed Business

RESOLUTION

Moved Cr Nai, Seconded Cr Stephen

That in accordance with s275 of the Local Government Regulation 2012 it is resolved for the meeting to go into closed session to discuss:

(e) Contracts proposed to be made by it; or

(h) 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

Cr Sabatino confirmed confidentiality via teleconference facility.

5.32pm

Move out of Closed Business

RESOLUTION

Moved Cr Kaigey, Seconded Cr Bosun

That Council move out of closed business.

MOTION CARRIED

16.1 Finance: Commercial Statute Barred Debt Write Off

Cr Gela, Cr Sabatino, Cr Fell, Cr Lui, Cr Levi, Cr Stephen, Cr Thaiday, Cr Nona, Cr Nai, Cr Pearson, Cr Elisala, Cr Bosun, Cr Akiba declared their Material Personal Interest (MPI) and left the room. Cr Tamu declared her Conflict of Interest (COI) and left the room. Absent Cr Kaigey.

RESOLUTION

That Council endorse write-off of \$3,831,637.40 of commercial statute barred debts.

LET LAY ON THE TABLE – NO QUORUM

Councillors returned to the room and Cr Sabatino rejoined via teleconference. Cr Kaigey joined the meeting.

16.2 Finance: Housing Statute Barred Debt Write Off

Cr Gela declared his MPI and handed the meeting over to Cr Elisala to Chair. Cr Gela left the room as did Cr Fell, Cr Lui, Cr Tamu, Cr Akiba, Cr Sabatino, Cr Thaiday, Cr Nona, Cr Nai, Cr Pearson, Cr. Stephen, Cr Kaigey, Cr Bosun, and Cr Levi who also declared their Material Personal Interest.

RESOLUTION

That Council endorse write-off of \$756,489.24 of housing statute barred debts.

LET LAY ON THE TABLE – NO QUORUM

Councillors returned to the room and Cr Sabatino rejoined via teleconference.

It was noted that Mayor to gain advice at looking at reviewing CEO delegation.

Action: EMCS to review legislative requirements of CEO debt write off delegation increase.

16.3 Corporate Services: Enterprise Divestment

Cr Gela declared his COI and handed the meeting over to Deputy Chair Cr Fell. Cr Thaiday, Cr Stephen also declared their COI. All abstained from voting and left the room.

RESOLUTION

Moved Cr Nona, Seconded Cr Nai

That in accordance with sections 227, 228 and 236 of the Local Government Regulation 2012 (Qld), Council enter into negotiations with Erub Fisheries Management Torres Strait Islander Corporation (or related party) with a view to that entity acquiring the Erub Freezer and associated valuable non-current assets and staff on terms acceptable to the Chief Executive Officer of Council, and recommend to the Trustee, the grant of a trustee lease to that entity over relevant land as presented.

MOTION CARRIED

Abstain from voting due to COI – Cr Gela, Cr Thaiday, Cr Stephen

16.4 Corporate Services: Erub Landfill

Cr Gela declared his MPI and left the room, handing the meeting to Cr Fell to Chair. Cr Stephen, Cr Thaiday and Cr Lui also declared MPI and left the room and did not vote.

RESOLUTION

That Council endorse expenditure as presented, in the 16/17 budget for payment of native title compensation, with delegation given to the Chief Executive Officer to negotiate most-favourable settlement terms within that range, and to execute all documentation necessary to give effect to the settlement, including but not limited to, the ILUA.

MOTION LOST

RESOLUTION

Moved Cr Bosun, Seconded Cr Kaigey

That Council endorse to consider payment of Native Title Compensation only for new future Acts, not retrospectively.

MOTION CARRIED

Abstain from voting due to MPI - Mayor Gela, Cr Lui, Cr Thaiday, Cr Stephen

16.5

Housing Services: St. Pauls NPARIH

RESOLUTION

Moved Cr Tamu, Seconded Cr Levi

That pursuant to the *Local Government Act 2009 (Qld)* and *Local Government Regulation 2012 (Qld)*, Council delegates power to the Chief Executive Officer to enter into contracts, authorise expenditure, and do all things necessary to effect the award for the design and construction of 10 dwellings to Strategic Builders Pty Ltd for \$4,214,198.54 EX GST.

MOTION CARRIED

16.6

Engineering Services: Variation to Saibai Seawalls Contract TSIRC2015-82

RESOLUTION

Moved Cr Akiba, Seconded Cr Fell

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

1. Under the terms and condition of Contract TSIRC2015-82 between TSIRC and Koppens, issue a variation to the Contract to the GST exclusive amount of \$3,033,047.83, of which comprises a provisional sum (if ordered amount) component at the GST exclusive amount of \$2,834,495.33.
2. Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to draft and formalise the issuing of such variations in accordance with the terms and conditions of the contract.

MOTION CARRIED

6.00pm Meeting Closed in Prayer by Cr Thaiday

Thursday 25 August 2016

Present

Cr Fred Gela, Mayor

Cr Keith Fell, Deputy Mayor, Division 4 – Mabuiag Island

Cr Torenzo Elisala, Division 2 – Dauan Island

Cr Keri Akiba, Division 3 – Saibai Island

Cr Laurie Nona, Division 5 – Badu Island

Cr David Bosun, Division 6 – Kubin Community at Moa Island

Cr John Levi, Division 7 – St Pauls Community at Moa Island

Cr Mario Sabatino, Division 8 – Hammond Island (attended partially via Teleconference)

Cr Getano Lui Jnr, Division 9 – Iama Island

Cr Clara Tamu, Division 10 – Warraber Island

Cr Francis Pearson, Division 11 – Poruma Island

Cr Ted Nai, Division 12 – Masig Island

Cr Rocky Stephen, Division 13 – Ugar Island

Cr Patrick Thaiday, Division 14 – Erub Island

Cr Bob Kaigey, Division 15 – Mer Island

Ms Dania Ahwang, Chief Executive Officer (CEO)

Mr Chris McLaughlin, Executive Manager Corporate Services (EMCS)

Ms Melissa Barmettler, Executive Manager Financial Services (EMFS)

Mr David Baldwin, Executive Manager Engineering Services (EMES)

Mr Ewan Gunn, A/Executive Manager Community Services (A/EMCoS)

Ms Daisy Ketchell, Executive Officer (EO)

Ms Lorna Bowie, A/Executive Assistant (A/EA)

Ms Dinah Sailor (TAO) (Minutes)

In attendance:

Ms Bianca Barling-Seden, Manager Engagement

Ms Alesha Savage, Engagement Officer

Apologies

Cr Dimas Toby, Division 1 – Boigu

Mr David Abednego, Executive Manager Community Services (EMCoS)

17. 9.12am-9.16am

Opening Prayer and Welcome

Meeting opened in prayer by Cr Fell

Mayor advised proceedings for the day with Business Arising from Information Reports followed by Closed Business with Councillors In-Camera Session.

Mayor thanked Councillors on behalf of his family for assistance and support during the recent loss of family member. The in-kind support from Councillors resulted in a surplus and CEO to have the monies transferred back to Councillors who provided their support.

18. 9.16am-10.44am

Business Arising from Information Reports

Dauan

Pontoon – Cr Elisala sought clarification if it was approved.
CEO advised only the design was approved.

Warraber

Cr Tamu advised she sent an email to CEO re Timeframe on

- Lagoon – EMES advised there is funding and works are being undertaken
- Fencing – EMES advised there is funding for fencing.
- Stadium – CEO advised looking at funding availability. In order of priority, 1st project see to be done, then look at funding left over, then 2nd Project to be done, look at funding left over.
- Lighting – EMES to consider airport lighting as a future funded project
- Finger wharf repairs – EMCS advised that Seaswift order had been received for repairs to be performed and would follow up on status.

Cr Tamu requested that regular updates be provided on projects for completion.

Badu

Cr Nona queried the process for rent reviews and CEO advised of process followed.

Mayor noted staff to look at review process that was undertaken and seek legal confirmation of process followed.

Action: EMCS to look at process that was undertaken for 2014 rent reviews and seek legal confirmation of process followed.

Cr Sabatino requested follow up of people who have rental deduction. Council should have applied the 10% discount but this may not have been happening in all cases.

CEO advised on the Housing Portfolio's key actions list being tenancy agreement, rental income/collection and rental arrears. As part of the process, Housing team will be looking at where the discount should have been applied and where it hasn't and backdating it.

Saibai

Cr Akiba queried on the Fuel Bowser's compliance with regulatory requirements and whether there would be any upgrade on the bowzers.

CEO advised reviews are being carried out on all bowzers.

Action: EMCS to review regulatory requirements and compliance of Saibai fuel bowser

Action: EMCS to review MIPEC schedule and result of bowser audits

9.55am Cr Lui announced “Sorry Business” from Yam, Poruma and Warraber Mayor, on behalf of Regional Council, expresses our sincerest condolences and sympathy to families of Saibai, Poruma, Yam and Warraber and also extended to our colleagues as well:
Councillor representing Yam Community, Cr Lui
Councillor representing Warraber Community, Cr Tamu
Councillor representing Poruma Community, Cr Pearson
Councillor representing Saibai Island, Cr Akiba.

9.57am

One Minute’s Silence

There was a minute silence to pay respect to families who have lost their loved ones recently.

Cr Fell blessed the Morning Tea
10.00am-10.57am Morning Tea Break

19. 10.57am-1.12pm

General Business

Kubin

Cr Bosun raised concerns on staffing issues at Kubin, vehicle usage, shortage of staff due to workload.

Mayor advised staffing issue can be addressed by using staff from St. Pauls to assist one another.

Cr Levi supports Cr Bosun and the need for assistance to resolve the staffing issue.

Action: EMES to follow up on staffing and resourcing issues reported for St Paul’s and Kubin.

SARG Meeting

Mayor provided a quick snapshot of what is discussed at SARG Meeting.

- TAP - milestones and delivery timeframe need further review
- Housing Authority – included in approved 16/17 operational plan and budget
- Regional Governance. Aim is 2020.
 - There is suggestions by members to look at Norfolk and what has recently happened with Australia removing territory status, so we want to see why Norfolk Island ended up this way

Action: CEO to include SARG as standing agenda item in closed business segment of Council meeting.

Dauan

Cr Elisala raised issue on:

- Desalination and water supply – whether available pumps can be used to clean wells
- Disaster Management Plan – needs review
- EHW to work closely with TSRA Rangers to enforce local laws including checking due dates of food stocks in the IBIS.

Action: EMCoS to review EHW workplan to consider regular checks of food stocks at food stores if not already included.

- Key staff, including EHW and DEO, to provide report at interagency meeting

Action: CEO to work with Executive Managers for key staff to provide regular reporting on their roles at interagency meetings.

- Manitou requested for Dauan to assist with landfill clean up

Action: EMES to assess Manitou requirements for Dauan to assist with landfill clean up.

Kubin

Cr Bosun queried how to measure staff performance.

EMES advised one way of measuring performance is through the performance appraisals coming up. Regular monitoring by conversations/feedback between Councillor and Executive Manager can be undertaken and if no reports coming back, then assume there is no problems.

Cr Nona suggested to conduct a training analysis for all staff.

Mayor noted that we are not in closed business so need to be careful. If it's a clear message that the capacity building is not there, that performance is not being managed, then closer supervision is need, because when it is work time, it is work time. If performance is poor and jobs are not done, the community suffers.

At this time Mayor reminded Councillors to be mindful and respect the conferencing system so that it can record the minutes.

Saibai Island

Cr Akiba raised several key issues:

1. Traditional Boundary Program requested for Saibai
2. Expressed an interest for DOGIT transfer
3. PBC office space requested
4. Local Laws awareness workshop at Saibai requested.

Poruma Island

Cr Pearson provided an overview of performance in his prior role as DEO.

Hammond

Cr Sabatino reinforced the need to sort out performance acknowledging the seawalls focus and the great effort by EMES to bring it back on track. Given time, Cr Sabatino noted similar progress is expected in other areas to be focused on by EMES.

Cr Sabatino noted that warnings have been issued but further advised that infringement notices were not sent out to constituents on animal management. A/EMCoS advised there has been warnings and EHWs have been told to put infringement notices out but may have had issues filling them out. Further training may need to be done on how to fill in infringement notice.

Action: EMCoS to assess training needs of EHWs on filling of infringement notices.

Performance Appraisals

Cr Lui noted that the annual performance appraisal is to be completed by the end of August and queried whether Councillors will see the end results because if staff have not been performing, then Councillors need to know. Executives need to get out to communities to resolve staffing issues.

CEO advised Councillors will receive feedback broadly but not individually so Councillors will understand how staff have performed.

Badu

Cr Nona raised issues on housing crisis on Badu.

- Biggest housing waiting list
- Families in need with overcrowding

- Over 100 people on the waiting list – over 40 are priority 1
- Only 9 slabs ready to go
- Allocations are in dispute through abandonment process of properties on family land
- Needs basis to be reviewed
- Requesting that if other communities have land issues to transfer housing to Badu.
- Donga – temporarily accommodation – issues with their removal and demolition – adding to housing crisis
- Kubin reallocation – Cr Nona wants to know if this is an additional house for Badu
- BAS advised 13 houses were allocated to Badu.

CEO advised Rick Healey and David Faulkner will contact Councillors and working closely with TO's to identify available land for future housing program.

Mayor advised if an ILUA is in place and the person who signed off is not the right person, there is an issue and NTO will need to get it sorted out.

Mayor reiterated the timeframes discussed at July workshops – in worst case scenario, if cannot secure land, it can go to another community.

Mayor provided an overview of the donga situation:

- to relocate, minimum \$250,000 on the site preparation
- native title clearance has to be done.
- ILUA negotiation has to be done that's not where the process stops, there is no funds for ongoing costs of property management.
- Two dongas are reasonable but the rest are unable to be repaired
- In demolishing, Council still have a high need for housing families
- For Council, these properties are high risk – Council were previously all over media because of the dongas
- If funds are made available for all of the above it needs to be out of Council's hands.

Mayor advised that he will certainly have the conversation with State Member and Cr Nona to further discuss this critical issue.

Warraber

Cr Tamu queried if engineering workers allowed to get overtime for work after hours. EMES advised yes, subject to prior approval to work after hours.

Stephen Island

Cr Stephen raised the following issues:

1. MIPEC – looking at bringing services to Ugar. Require forklift to carry pallets into the community (up hill from the wharf/Barge)
2. Mail Services – to be followed up in light of MIPEC service commencement
3. IBIS – can they consider transfer of delivery service from Seaswift to MIPEC as Seaswift delivers services on a monthly basis to Ugar and the community needs fresh fruits etc more regularly.
4. Tender process for Community Hall – funding shortage, need update.
5. Social Housing – email from PBC to the Department to put the works on hold.
6. TSRA Election - once TSRA is back in with the new Board to look into funding set aside for Ugar and also look at Helicopter Subsidy again with the monsoon weather setting in.
7. Helipad – note report on upgrading airstrips etc, no discussions around upgrading helipad for Dauan or Ugar. The two communities are

disadvantaged and are left out on upgrades to helipad/lighting etc and should look at funds to upgrade Helipads.

8. Desalination Plant – ILUA wasn't done for the site, desalination plant sitting on Ugar. Request to investigate on this. Water is okay at Ugar but need to look at having the desalination plant set up.
9. Ugar Ferry Services – ferry has been previously recommended for divestment to Brother Bear but was given back to Council to provide the ferry service. Cr Stephen advised Council should have made a good decision on the divestment for the ferry service and was disappointed to hear that it was readvertised and that Council should have considered other options prior to divesting it out. Cr Stephen noted that when this topic comes to the table at Council Meeting he will not be part of it. He noted that closing date was 31st August.

Action: CEO to look into these issues and liaise back to Cr Stephen.

Darnley Island

1. Cr Thaiday advised having problems accessing internet at his office. Requested IT to go out to Darnley and look at that problem.
2. Requires update from CEO on vacant housing allocations and in particular where tenant circumstances have changed.
CEO advised on waitlist updates – if tenant circumstances changed, they need to go into Council and fill in another form. Not restricted to considering only what is on wait list, Council can bring applications for consideration if circumstances change.
3. Apprentice painter working with Builders on carpentry and framing for the last couple of months.

Action: CEO to follow up with Building unit on apprentice painter's work program.

4. Cr Thaiday requested that he would like the Erub Apprentice working at Boigu return to Erub due to shortage of staff rather than engaging contractors.

Action: CEO to follow up with Building unit on apprentice work program to assess return to home base from Boigu.

5. Family members concerns in visiting their elderly at the Star of the Sea Aged Home from the Island, but unavailability of accommodation at motels. If Council can look at the new development of the Star of the Sea Aged Home or liaise with them whether they can look at including temporary accommodation for families who want to visit their elderly on temporary basis.
6. Performance Appraisals – Cr Thaiday advised how does it work with grass root people who do not understand the process.

Action: CEO to follow up on the issues raised by Cr Thaiday and provide feedback to him.

Badu

1. In-Kind Support

Cr Nona reiterated the definition of in-kind support from discussions on Day 1. Policies – Council to take ownership of policies and administer on ground in communities. Discretionary Funds – Badu Community has a larger population therefore needs large funds re in-kind support.

EMFS noted that the procedure had been recently revised.

Cr Lui advised his interpretation of 'in-kind' as good *pasin* eg Cr Pearson gives his Councillor vehicle to Councillors to use at this meeting but he pays for the fuel. Cr Lui advised if the wording is different (rather than 'in-kind') then maybe that would clear up any misunderstanding.

Mayor advised that Council need to maintain records of the level of in-kind support, to show people that this is our in-kind support and this is how much it has cost. Sustainability impacts also need to be considered as *pasin* can either make or break

us noting the trend towards 2023. Mayor advised it is our policy and we will bring it to the table for review and further discussions.

2. Separation of powers and Council functions awareness session for Badu community requested
3. Badu grandstand flagged as a hazard requiring urgent action.

Dauan

Cr Elisala raised following issues:

1. Proposed helicopter subsidy program to run 1 October 2016 – 30 January 2017 for four trips per week – CEO will cost program on this basis for budget consideration.
2. Invoices with deceased names still being issued – DM and/or Housing Officer to work with Finance team to filter these out.

Cr Nai blessed the Lunch

1.12pm- 1.48pm Lunch Break

20. 1.48pm-3.49pm

General Business (Con'td)

Badu Housing

Cr Nona identified mismatch in housing needs and allocations eg. a couple residing in 5 bedroom house, a family with 3 children residing in a 2 bedroom house CEO advised that Housing Team were looking at priorities for housing – if this is something Council needs to prioritise, then community consultation needs to occur and to get it happening.

Mer Island

Cr Kaigey raised the following issues:

1. Time clock – follow up requested
2. Vehicle use – private use of vehicle to be looked at.
3. Fuel bowser – had discussions with Anglican Church who has available land to accommodate fuel bowser.

Mayor advised that Council needs a letter from Anglican Church expressing their interest and to confirm that they have land available. CEO with Legal advice from EMCS will put information together.

4. In-kind services– tables and chairs for families to use locally at functions no charges including tables and chairs however will need to know if they hiring and that it is returned to Council.
5. Tables and Chairs – CEO advised local use we do not charge the hall and no charge for chairs and tables but will need to know if they hiring and it is returned to Council

St. Pauls Housing

Cr Levi queried housing portfolio allocations key actions required is very high need for housing categorized as 1s, 2s and 3s, on needs basis how did St. Paul's get 5 houses and Badu has 40 on waiting list? CEO advised St. Pauls came aboard and identified all the land for constructions for houses quickly. There was a requirement to get a certain number of houses in the Torres Strait Region across the line and we had to do it on the basis of land availability as well as need.

Cr Bosun queried with repairs & maintenance happening whether Council can set up mobile camps to accommodate families whilst work is happening. CEO advised we don't get funding for it.

Action: CEO will look into funding options for transition housing.

Cr Nona followed up on housing issues – abandonment of houses located on family land is an issue in community, people who have moved away re health issues, jobs etc and there is overcrowding in the community., Can Council look at dealing with this situation. CEO advised that Housing Team is trying to tie in with community visits to talk about housing and hold workshops. Mayor advised the priority for Badu is to look at tenancy, allocation workshop, information session and separation of powers.

Cr Kaigey enquired and CEO confirmed that tenancy workshops have been previously held at Mer.

Cr Kaigey advised land space for Council building materials needs to be cleaned up and sorted and materials need to be covered from exposure.

Cr Tamu commented that Warraber Housing Officer ran their recent tenancy workshop in consultation with Councillor very successfully.

Cr Bosun reiterated on Cr Nona's comments on abandonment of houses and suggested placing existing housing under 40 year lease to address.

Business - Social Housing

Cr Lui advised business on Yam is running within a social housing. Cr Lui was advised that "Housing" agreed and Doug Barber (business owner) agreed. Cr Lui was not advised or involved in the business to go ahead. Cr Lui queried procedure for setting up and running a business in the community.

Further, Cr Lui reiterated the need to come together to have the Councillors' strategic planning, planning and team building session prioritised.

Cr Akiba has businesses running from Social Housing at Saibai. He spoke to them advising they should not be doing so without Council approvals.

Mayor reiterated Cr Sabatino's advice that the key issue is around compliance – running of a commercial business from residential area needs to be assessed against Council's planning scheme.

Dauan Island

Cr Elisala advised proposed helipad site identified and needs to be assessed by Engineering Team.

Cr Elisala also noted disappointment with the Department's response on Logan homes and reconfirmed by CEO that Building Unit to go out and assess the area, take photos etc. to look at the conditions of the houses.

CEO advised potential sites for constructions were provided to the Department with houses several old Logan homes nominated for demolition. Response from Department was that the three houses nominated were not listed for demolition.

Mayor advised the condition assessment report system lists a lot of communities with houses that need to be demolished, and this needs to be escalated.

Cr Nai suggested strategic refocusing with looking at storage for families to keep their household items when moving out of their houses.

Cr Pearson requested clarification and clear understanding of Katter Lease and assistance as he cannot get rid of old derelict houses in community because of Katter leases.

Cr Tamu commented on setting up of business on premises – not only that, but Council should also consider other business coming into communities such as crayfishing. There is a need to identify what permission is required to set up in communities and noting that we are trying to promote local business.

Cr Fell advised all the housing issues have been noted and staff will get back to Councillors.

21. 3.49pm-3.56pm

Leave of Absence in Advance

Cr Thaiday
Cr Kaigey
Cr Stephen
Cr Sabatino (Video Conferencing)
Cr Fell
Cr Lui
Cr Tamu
Cr Nona

Cr Nona requested in the first instance that he would like to have information awareness workshop/session with his community prior to having a Council meeting at Badu.

Cr Tamu advised that she will talk with her community to host next Council Meeting at Warraber.

Next Council Meeting

It was noted that the next Council meeting will be held at Warraber Island on 20-21 September.

22. 3.56-3.57pm

Closed Business

RESOLUTION

Moved Cr Kaigey, Seconded Cr Nona

That in accordance with s275 of the Local Government Regulation 2012 it is resolved for the meeting to go into closed session to discuss:

(a) The appointment, dismissal or discipline of employees; or

(b) 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

23. 3.57pm-4.00pm

Councillors In-Camera Session

3.57pm Staff asked to leave the meeting room

RESOLUTION

Moved Cr Elisala, Seconded Cr Kaigey

That Council move out of closed business.

MOTION CARRIED

4.00pm Staff returned to the meeting room

Cr Lui closed the meeting in prayer and blessed the Afternoon Tea

4.00pm Afternoon Tea

4.00pm Council Meeting Close