



Torres Strait Island
REGIONAL COUNCIL

MINUTES

ORDINARY MEETING

Tuesday 15 May 2018: 9:00am to 5:00pm
Wednesday 16 May 2018: 9:00am to 5:00pm

Cairns Hilton, 34 Esplanade, CAIRNS

Tuesday 15 May 2018

Present

Cr Fred Gela, Mayor

Cr Dimas Toby, Division 1 – Boigu Island

Cr Torenzo Elisala, Division 2 – Dauan Island

Cr Keri Akiba, Division 3 – Saibai Island

Cr Keith Fell, Division 4 – Mabuiag Island

Cr Laurie Nona, Division 5 – Badu Island

Cr Bosun, Division 6 – Kubin Community at Moa Island

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

Cr Mario Sabatino, Division 8 – Kirriri Island

Cr Getano Lui Jnr, Division 9 – Iama

Cr Clara Tamu, Division 10 – Warraber Island

Cr Francis Pearson, Division 11 – Poruma Island

Cr Rocky Stephen, Division 13 – Ugar

Cr Patrick Thaiday, Division 14 – Erub Island

Cr Bob Kaigey, Division 15 – Mer Island

Mr Bruce Ranga, Chief Executive Officer (CEO)

Mr David Abednego, Executive Manager, Community Services (EMoCS)

Ms Ursula Nai, Senior Executive Assistant (SEA)

Ms Melissa Barmettler, Executive Manager Financial Services (EMFS)

Mr David Baldwin, Executive Manager Engineering Services (EMES)

Mr John Coyle, Executive Manager Housing Services (EMHS)

Ms Julia Maurus, Manager Legal Services, Office of the CEO (MLS)

Mrs Kathy Cochran – Secretariat Officer (SO)

Apologies

Cr Ted Nai, Division 12 – Masig Island

1. 9:05am – 9:10am Opening Prayer by Cr Lui and Welcome by Mayor Gela

Mayor Gela, Welcome and Opening Remarks

Mayor Gela welcomed everyone and acknowledged the traditional owners of the land in which we're meeting. Mayor Gela asked everyone to observe a one minute silence for families who have lost loved ones. Mayor acknowledged Councillors, Executive Managers and staff, he thanked them for their participation and attendance.

2. 9:10am – 9:13am Apologies

Mayor Gela informed Council, Cr Nai advised he is attending another commitment today and wished to pass on his apology. Mayor Gela sought advice from Manager Legal Service surrounding Cr Nai's request and if there is a provision for the reason provided.

Manager Legal Service advised the request for leave will need to be in writing and all Councillors will need to be in support the motion to be upheld under the reasonable excuse of second employment.

Council has allowed time for Cr Nai to submit his apology in writing and deal with the apology once received.

ITEM TO BE DEALT WITH LATER ON AGENDA ONCE MAYOR GELA RECEIVES ADVICE FROM CR NAI.

ACTION: SEA to make contact with Cr Nai requesting the apology in writing for Council to consider.

3. 9:13am – 9:13am Declaration of Conflict of Interest (COI) or Material Personal Interest (MPI)

No declaration made, however Councillors have an opportunity to make a disclosure at any time during the meeting.

4. 9:13am – 9:16am Confirmation of April 2018 Ordinary Meeting Minutes

Amendment – Page 10 – Item 17 - Delete the table at the bottom of the page.

RESOLUTION:

Moved: Cr Bosun; *Second:* Cr Thaiday

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

MOTION CARRIED

5. 9:16am – 9:16am Outstanding Strategic Ordinary Meeting Action items

ACTION: SEA to email list to Councillors and Executives for discussion later in the Agenda.

6. 9:16am – 9:29am SARG Update - Verbal

Mayor Gela briefly updated Council on the recent SARG discussions;

1. Maritime Fees – suggested way forward

2. CDP – Mayor and CEO met with Peter Scott from Cook Shire regarding Region 57 model. Mr Peter Scott advised Council to meet with the CEO and Mayor of Hopevale and Wujal Wujal.

ACTION: SEA to arrange meeting for Mayor and CEO to meet with CEO and Mayor of Hopevale and Wujal Wujal to discuss Region 57 model for CDP.

3. Badu Crusher
4. Hammond Wharf update
5. Climate Adaptation

Cr Toby requested that the minutes from SARG be provided to Councillors.

ACTION: SO to circulate SARG Minutes to all Councillors for their information.

7. 9:29am – 9:52am LEGAL – Development Application – Warraber (Lot 901)

MLS spoke to this report. Mayor Gela asked Cr Tamu is she had been consulted. Concerns were raised around the process. Cr Tamu requested to speak with MLS before application proceeds.

ACTION: MLS to engage with respective Councillors in any future development application process before submitting the application to Council.

ACTION: EMHS and CEO to discuss if it is feasible to implement IEOPs on all upgrades.

ACTION: SEA to arrange meeting with Rick and Mark to discuss the IEOP

ACTION: CEO to discuss Master Planning at the next TWG.

ITEM IS LEFT LYING ON THE TABLE UNTIL CR TAMU AND MLS HAVE HAD A DISCUSSION

8. 9:52am – 9:56am FINANCE – Revenue Policy – Late report

EMFS spoke to this report. The purpose of this report is to present for adoption the annual revenue policy for the basis of formulating the 2018/19 original budget.

RESOLUTION:

Moved: Cr Sabatino; *Second:* Cr Tamu

That Council adopt Revenue Policy SPO 5 effective from 1 July 2018.

MOTION CARRIED

9. 9:56am – 10:32am LEGAL – Development Application - Iama

MLS spoke to this report. Council had a very robust discussion. Cr Lui to have a discussion with EMHS out of session.

ACTION: EMHS to make contact with Cr Lui out of session to have further discussions

RESOLUTION:

Moved: Cr Lui; *Second:* Cr Elisala

That Council issue a Development Permit for 'Reconfiguration of a lot' with the inclusion of the conditions set out in Part 7 of the Agenda Report. (new Lots 54 & 541 SP296836 and lots 58 & 581 SP296837)

MOTION CARRIED

10:32am – 10:43am- Morning Tea break

10. **10:43am – 10:48am** **LEGAL SERVICES – TSIMA ACMA BRACS – St Pauls**

MLS spoke to this report. Th BRACS/RIBS facility at St Pauls has been unused for years. TSIMA has recently requested to use the old radio broadcasting facility.

RESOLUTION:

Moved: Cr Levi; *Second:* Cr Fell

That Council resolve to:

- (a) transfer its St Pauls ACMA radio broadcasting licence to Torres Strait Islanders Media Association Inc. (TSIMA);**
- (b) enter into commercial licensing arrangement (at adopted Shared Facility hire rates) with TSIMA for one (1) room at the St Pauls BRACS/RIBS building at Lot 167 Council St, St Pauls; and**
- (c) where required, divest to TSIMA any radio broadcasting equipment and related goods in the St Pauls BRACS/RIBS, for peppercorn consideration.**

MOTION CARRIED

ACTION: MLS to circulate response to TSIMA

ACTION: MLS check the BRACS facility at Erub

11. **10:48am – 10:49am** **LEGAL SERVICES – DA – Warraber**

This report is put back on the table after discussion were had between Cr Tamu and Manager Legal Services.

RESOLUTION:

Moved: Cr Tamu; *Second:* Cr Levi

That Council issue a Development Permit for ‘Reconfiguration of a lot’ with the inclusion of the conditions set out in Part 7 of the Agenda Report. (new Lots 121 & 901 SP302206)

MOTION CARRIED

12. **10:49am – 11:21am** **LEGAL SERVICES – LHA Katter Leases and House Sale Price**

- Cr Tamu declared a material personal interest (MPI)
 - COI details: Cr Tamu’s husband is a recipient of a Katter lease.
 - How the Councillor proposed to deal with the COI: Cr Tamu did not vote.
- Cr Stephen declared a material personal interest (MPI)
 - COI details: Cr Stephen’s father is a recipient of a Katter lease.
 - How the Councillor proposed to deal with the COI: Cr Stephen leaves the room.
- Cr Gela declared a material personal interest (MPI)
 - COI details: Cr Gela is spokesperson for his inlaws who are recipients of a Katter leases.
 - How the Councillor proposed to deal with the MPI: Cr Gela leaves the room.
- Cr Nona declared a material personal interest (MPI)
 - COI details: Cr Nona is a recipient of a Katter lease.
 - How the Councillor proposed to deal with the MPI: Cr Nona leaves the room.

10:52am – Councillors leave the room.

MLS spoke to this report.

RESOLUTION:

Moved: Cr Levi; *Second:* Cr Elisala

That the agenda report be left lying on the table pending financial modelling of the potential impact on Council of the proposed methodology.

MOTION CARRIED

11:21 – Councillors came back into the room and rejoins the meeting.

13. 11:25am – 11:30am Apology – Cr Nai

Mayor Gela advise Council he received and email from Cr Nai regarding his apology on the grounds of second employment commitments.

RESOLUTION:

Move: Cr Elisala; *Second:* Cr Toby

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

MOTION FAILED
Against – 5 Councillors

14. 11:30am – 11:30am COUNCIL MOVE INTO TRUSTEE

RESOLUTION:

Moved: Cr Nona; *Second:* Cr Elisala

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

MOTION CARRIED

15. 11:30am – 11:57am TRUSTEE – LEGAL - Trustee Lease Rent Methodology

- Cr Sabatino declared a material personal interest (MPI)
 - COI details: Cr Sabatino is a trustee lease holder.
 - How the Councillor proposed to deal with the MPI: Cr Sabatino leaves the room.

- Cr Tamu declared a potential conflict of interest (COI)
 - COI details: Cr Tamu is an employee of Qld Health.
 - How the Councillor proposed to deal with the COI: Cr Tamu did not vote.

MLS spoke to this report. The purpose of this report is for the Trustee to reconsider the rent methodologies it adopted in February 2018, in light of the rent agreed with Torres & Cape Hospital & Health Services in April 2018.

RESOLUTION:

Moved: Cr Fell; *Second:* Cr Akiba

**1. That the trustee repeal the following resolution:
(TSIRC Ordinary Meeting February 2018)**

Item 21: TRUSTEE – Lease Rent Methodology

That the Trustee, for those communities where Council holds land under Deed of Grant in Trust, adopt the following rent methodology for leases granted pursuant to the Torres Strait Islander Land Act 1991 (Qld), namely:

Land Use	Price per m2
Residential/ Community	\$4
Commercial/ Government*	\$17

*Minimum charge of \$6000p.a shall apply.

2. That the Trustee, for those communities where Council holds land under Deed of Grant in Trust, adopt the following rent methodology for leases granted pursuant to the Torres Strait Islander Land Act 1991 (Qld), namely:

Land Use	Price per m2
Residential/ Community	\$4
Commercial/ Government*	\$10.80

*Minimum charge of \$6000p.a shall apply.

MOTION CARRIED

12:03pm – Cr Sabatino came back into the room and rejoins the meeting.

16. **12:03pm – 12:04pm** **TRUSTEE – DA - Iama**

MLS spoke to this report. Council received an application from the Department of Aboriginal and Torres Strait Islander Partnership for a “Reconfiguration of a Lot” to enable leasing for Social Housing which requires a planning approval.

The development will create 4 lots on Iama Island as shown on SP296836 and SP296837, as Attachment 1 and listed below:

- Lot 54 on SP296836 1947m2 (existing houses)
- Lot 541 on SP296836 577m2 (for Social House lease)
- Lot 58 on SP296837 2728m2 (existing house)
- Lot 581 on SP296837 1928m2 (for Social House lease)

No new development or operational works are associate with this application, which is primarily for the purpose of enabling the lease of lots 541 & 581 for future development of social housing.

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:

Moved: Cr Sabatino; *Second:* Cr Nona

That Council issue a Development Permit for ‘Reconfiguration of a lot’ with the inclusion of the conditions set out in Part 7 of the Agenda Report. (new Lots 54 & 541 SP296836 and lots 58 & 581 SP296837)

MOTION CARRIED

17. **12:04pm – 12:05pm** **TRUSTEE – DA - Warraber**

MLS spoke to this report. Council received an application from the Department of Aboriginal and Torres Strait Islander Partnership for a ‘Reconfiguration of Lot’ to enable leasing for Social Housing which requires a planning approval.

The development will create 2 lots on Warraber Island as shown on SP302206, as Attachment 1 and listed below;

- Lot 121 on SP302206 (for Social House lease)

- Lot 901 on SP302206 (Balance DOGIT Lot)

No new development or operational works are associated with this application, which is primarily for the purpose of enabling the lease of the abovementioned lots for future development of social housing.

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:

Moved: Cr Tamu; *Second:* Cr Pearson

That Council issue a Development Permit for 'Reconfiguration of a lot' with the inclusion of the conditions set out in Part 7 of the Agenda Report. (new Lots 121 & 901 SP302206)

MOTION CARRIED

18. 12:05pm – 12:05pm COUNCIL MOVE OUT OF TRUSTEE

RESOLUTION:

Moved: Cr Elisala; *Second:* Cr Levi

That Council move out of Trustee.

MOTION CARRIED

19. 12:06pm – 12:06pm COUNCIL MOVE INTO CLOSED BUSINESS

RESOLUTION:

Moved: Cr Fell; *Second:* Cr Nona

That Council move into closed business.

MOTION CARRIED

12:06pm – 12:19pm BSU – St Paul's Levi Stadium Upgrade

12:19pm – 1:13pm ENGINEERING – Hammond Wharf

1:13pm – 2:21pm – Lunch Break

20. 2:21pm – 2:22pm MOVE OUT OF CLOSED BUSINESS

RESOLUTION:

Move: Cr Pearson; *Second:* Cr Tamu

That Council move out of Closed Business.

MOTION CARRIED

21. 2:22pm – 2:23pm BSU – St Paul’s Levi Stadium Upgrade

RESOLUTION:

Moved: Cr Levi; *Second:* Cr Sabatino

That pursuant to the *Local Government Act 2009 (Qld)* and *Local Government Regulation 2012 (Qld)*, Council award Paul Ware Carpenters of St Pauls Community Moa Island, the works to provide maintenance upgrade to St Pauls Levi Stadium for the contract sum of \$218,500.00 (Excl GST) and delegate power to the Chief Executive Officer to enter into contracts, authorise expenditure, and do all and any thing necessary to effect the award.

MOTION CARRIED

22. 2:23pm – 2:24pm ENGINEERING - Hammond Marine Access Upgrade

RESOLUTION:

Moved: Cr Bosun; *Second:* Cr Levi

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

- Endorse the quarantine and conditional use of up to \$1,200,000 (ex. GST) of own source Council funds to fund additional expenditure and contingency relating to the Hammond Wharf project.
- Delegate authority to the Chief Executive Officer to negotiate, finalise and execute any and all matters associated under this arrangement.

MOTION CARRIED

23. 2:24pm – 2:33pm COMMUNITY – Idea’s Box

EMCoS spoke to this report.

RESOLUTION:

Moved: Cr Pearson; *Second:* Cr Kaigey

For Council to endorse the ongoing delivery of the Ideas Box Project on Saibai, Ugar, and St Pauls, from 1 July 2018, subject to funding from State Library Queensland.

MOTION CARRIED

24. 2:33pm – 2:35pm Next Ordinary Meeting Date

Next meeting to be held face to face at Mabuia 25 & 26 June 2018.

Cr Fell will put the dates to his community and stakeholders and email SEA and SO to confirm.

ACTION: Staff to push back the date for Minister Stephen Bennet and Minister Michael Hart’s visit to Poruma to allow Cr Pearson time to attend OM June at Mabuia.

ACTION: Cr Fell to advise SEA after his meeting with his staff, community and stakeholders confirming the dates or not.

25. 2:35pm – 2:48pm Leave in Advance

The following Councillors applied for leave in advance;

- Cr Tamu
- Cr Pearson
- Cr Lui
- Cr Nona
- Cr Stephen
- Cr Sabatino

- Cr Bosun
- Cr Thaiday
- Cr Kaigey

ACTION: SEA to send an email to those Councillor who applied for leave in advance to confirm their attendance at Mabuia to allow ample time to make travel arrangements. Copying in the CEO, Mayor, Deputy Mayor and Cr Fell.

ACTION: National General Assembly Forum -

26. 2:48pm – 2:57pm Business arising from Information Report

Cr Bosun raised the Horse issues on Moa Island. EMCoS inform Council TSRA is commencing an eradication program after 1st July 2018.

ACTION: EMCoS to inform Cr Bosun of the TSRA Horse Eradication Program and the start date in both communities on Moa Island.

Cr Elisala raised the issue of Disaster Management and SAT phones. EMES informs Council we have just recruited a Disaster Management Co-ordinator and as part of the role will be to engage and present to community on Disaster Management.

27. 2:57pm – 3:13pm Action Item Register

1. Legal Service – squatting is under the Trustee Land Act.

ACTION: Go to DFAT and Immigration to check if Mr Ron Namibai is on the Amnesty list, if he's not to take necessary actions.

ACTION: MLS to confirm whether the squatter is actually on the lot in question.

ACTION: Treaty facility – Cr Lui will include in the deputations in Canberra.

28. 3:13pm – 3:36pm General Business

Cr Toby raised, Anzac War Memorial. Funds need to be spent by 30 June and currently we have approximately \$50k unspent.

ACTION: Councillors to liaise with EMCoS to complete, erect or expand their memorial.

ACTION: EMFS to check the funding fine details on how the funds are to be expended.

3:35pm – 4:00pm – Afternoon Tea Break

29. 3:45pm – 3:45pm Council move into Closed Business

Staff in attendance were asked to leave.

RESOLUTION:

Moved: Cr Bosun; *Second:* Cr Levi

That Council move into Closed Business

MOTION CARRIED

3:45pm – 5:30pm **OCEO – TAP Update**

30. **5:30pm – 5:31pm** **Council move out of Closed Business**

RESOLUTION:

Moved: Cr Nona; *Second:* Cr Bosun

That Council move out of Closed Business

MOTION CARRIED

31. **5:31pm – 5:38** **OCEO – TAP Update**

RESOLUTION:

Moved: Cr Nona; *Second:* Cr Bosun

1. That Council adopt the amended Torres Strait Island Regional Council organisational structure as recommended by the Chief Executive Officer.

2. That the Chief Executive Officer be delegated the authority to implement the approved organisational structure, including the recruitment of the Chief Operations Officer and Chief Financial Officer roles in conjunction with the Mayor and Deputy Mayor.

MOTION CARRIED

Meeting Closed at 5:40pm - Prayer by Mayor Gela

Present

Cr Fred Gela, Mayor
Cr Dimas Toby, Division 1 – Boigu Island
Cr Torenzo Elisala, Division 2 – Dauan Island
Cr Keri Akiba, Division 3 – Saibai Island
Cr Keith Fell, Division 4 – Mabuiag Island
Cr Laurie Nona, Division 5 – Badu Island
Cr Bosun, Division 6 – Kubin Community at Moa Island
Cr John Levi, Division 7 – St Pauls Community at Moa Island
Cr Mario Sabatino, Division 8 – Kiririri Island
Cr Getano Lui Jnr, Division 9 – Iama
Cr Clara Tamu, Division 10 – Warraber Island
Cr Francis Pearson, Division 11 – Poruma Island
Cr Ted Nai, Division 12 – Masig Island
Cr Stephen, Division 13 – Ugar
Cr Patrick Thaiday, Division 14 – Erub Island
Cr Bob Kaigey, Division 15 – Mer Island
Mr Bruce Ranga, Chief Executive Officer (CEO)
Mr David Abednego, Executive Manager, Community Services (EMoCS)
Ms Ursula Nai, Senior Executive Assistant (SEA)
Ms Melissa Barmettler, Executive Manager Financial Services (EMFS)
Mr David Baldwin, Executive Manager Engineering Services (EMES)
Mr John Coyle, Executive Manager Housing Services (EMHS)
Mrs Kathy Cochran – Secretariat Officer (SO)

Apologies

Ms Julia Maurus, Manager Legal Services, Office of the CEO (MLS)

31. **9.15am – 9.25am** **Opening Prayer by Cr Levi and Welcome by Mayor**
Mayor Gela welcomed and acknowledges the traditional owners of the land in which we meet.
32. **9.05am – 10.15am** **PRESENTATION 1:** Voltus – Alternative power source for Torres Strait communities.
- 10:15 am – 10:30am – Morning Tea**
33. **10:30am – 11:30am** **PRESENTATION 2:** Kararu Gold, **Mr Allen Reid** – Director.
Employment opportunities for Torres Strait Islanders once the operation of the Mining is established at Horn Island in 12 to 18 months.
34. **11:30am – 12:30am** **PRESENTATION 3:** Update on Torres Strait and NPA Biosecurity Strategy. **Dr Ron Glanville** – Consultant engaged by Department of Agriculture and Water Resources and **Mr Danny Mosby** – Acting Assistant Director, Community Engagement, NAQS, Northern Region, Department of Agriculture and Water Resources.
- 12:30pm – 2:00pm – Lunch Break**
35. **2:00pm – 3:00pm** **PRESENTATION 4:** Update on Torres Strait Biosecurity Regional Plan. **Ms Janine Buist** – Member of the Torres Strait Invasive Advisory Group.
- 3:00pm – 3:15pm – Lunch Break**
36. **3:15pm – 4:00pm** **PRESENTATION 5:** **Mr Kevin Savage**, Managing Director and Project Manager, Powankaz Building & Civil Constructions Pty Ltd.
Meet and Greet – introducing the company and building business relations.
37. **4:00pm – 5:05pm** **PRESENTATION 6:** **Mr Dominic Lewin.** Solar Power for Torres Strait Islands
38. **5:05pm – 5:30pm** **PRESENTATION 7:** 2020 Torres Strait Games – **Cr Keith Fell**

Meeting closed at 5:30pm – Closing prayer by Cr Thaiday