



Torres Strait Island
REGIONAL COUNCIL

MINUTES

ORDINARY MEETING

Tuesday 18 November 2014

Please find attached Minutes of the above meeting held on Tuesday 18th November
9.07am – 5.35pm, 111-115 Grafton Street, Cairns.

Present

Cr Fred Gela, Mayor

Cr Joel Gaidan, Division 2 – Dauan Island

Cr Ron Enosa, Division 3 – Saibai Island

Cr Horace Baira, Division 5 – Badu Island

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

Cr Toshie Kris, Division 7 – St Pauls Community at Moa Island

Cr Mario Sabatino, Division 8 – Hammond Island

Cr Getano Lui Jnr, Division 9 – Iama Island

Cr Willie Lui, Division 10 – Warraber Island

Cr Phillemon Mosby, Division 11 – Poruma Island

Cr Ted Nai, Division 12 – Masig Island

Cr Rocky Stephen, Division 13 – Ugar Island

Cr Jimmy Gela, Division 14 – Erub Island

Cr William Akee, Division 15 – Mer Island

Mr David Abednego, A/Chief Executive Officer (A/CEO)

Mr Chris McLaughlin, A/Executive Manager Corporate Services (A/EMCS)

Ms Daisy Ketchell, A/Executive Manager Community Services (A/EMCoS)

Ms Melissa Barmettler, A/Chief Financial Officer (A/CFO)

Ms Katherine Wiggins, Manager Performance and Advocacy (MPA)

Ms Larissa Bani, A/Executive Officer (A/EO)

Apologies

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

Cr Dimas Toby, Division 1 – Boigu Island

Ms Dania Ahwang, Chief Executive Officer (CEO)

Mr Patrick McGuire, Executive Manager Engineering Services (EMES)

Item 1 9.06am Opening Prayer and Welcome

Meeting opened in prayer by Cr Nai.

One Minute Silence

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

Mayor’s Welcome and Opening Remarks

The Mayor welcomed the Councillors to the meeting and acknowledged the Traditional Owners of the Land.

The Mayor stated that as the Council meeting was being held on one day the order of the Agenda had been amended.

Item 2. 9.07am Apologies Noted

Cr Toby, Division 1 – Boigu Island

Reason: Application in advance – work commitments.

RESOLUTION

Moved Cr Nai, Seconded Cr Enosa, that Council accept the apology from Cr Toby for his absence at this meeting.

Motion Carried

1 Against

Cr Fell, Division 4 – Mabuiag Island

Reason: Application in advance – family commitment

RESOLUTION

Moved Cr Baira, Seconded Cr Sabatino, that Council accept the apology from Cr Fell for his absence at this meeting.

Motion Carried

It was noted that Cr Gaidan and Cr Bosun entered the meeting 9.11am

Item 13. 9.12am – 10.15am Presentation – Mr Kenny Bedford, Torres Strait Regional Authority (TSRA)

Mr Bedford provided an update in relation to the TSRA Fisheries Program, with points summarised as below:

- Torres Strait Development Plan 2014-2018 Fisheries Program Outcomes:
 - A commercially viable fishing industry which is 100 per cent owned by Torres Strait Islander and Aboriginal people
 - Improved wealth of Torres Strait Islander and Aboriginal people in the region
 - Sustainable management of fisheries resources

- Two primary work areas to achieve these objectives
 - Protected Zone Joint Authority (PZJA) Engagement
 - Capacity building projects

- Members
 - Chair of the Torres Strait Regional Authority
 - Commonwealth Minister for Agriculture, Fisheries and Forestry
 - Queensland Minister for Agriculture, Fisheries and Forestry
 - Supported by:
 - TSRA – supports Torres Strait Islander fishers
 - Australian Fisheries Management Authority (AFMA) - manages the fisheries
 - Queensland Fisheries Service (QFS) Department of Agriculture Forestry and Fisheries (DAFF) – licenses the fisheries

- Outcomes
 - Acknowledge and support ownership aspirations
 - Consult on Draft Roadmap to 100% ownership
 - Consult on Tropical Rock Lobster (TRL) Fishery Management Plan
 - Reintroduce TRL Fishery moontide closures
 - Remove limits on Traditional Inhabitants Fishing Boat Licence (TIB) Primary vessel tenders

- Ownership Arrangements
 - Torres Strait Finfish Fishery
 - 100% owned by Torres Strait Communities

- Torres Strait Beche-de-Mer Fishery- one non-Indigenous licence remains in the fishery
- Tropical Rock Lobster Fishery
- 55.5% owned by Torres Strait Communities
- 44.5% owned by non indigenous fishers

- Capacity Building
 - Current projects
 - Roadmap to 100% ownership
 - Finfish Action Plan
 - Indigenous Fisheries – management models
 - Fisheries management training
 - Finfish Licences - leasing
 - Finfish trust/grants management
 - Participation at PZJA forums
 - Distribution from Finfish Trust account
 - Training and development of Indigenous fishers
 - Support through Economic Development Program grants and business loans
 - Fisheries Communications (Newsletter, Community visits, etc)

- Finfish Licenses Leasing
 - TSRA holds sunset licences on behalf of Torres Strait communities
 - Sunset licences are leased to non-TSI&A people on a yearly basis under agreements for 1 to 3 years
 - Lessees have to respect PZJA rules and community reefs (10nm closures around Mer, Erub, Masig and Ugar)
 - Money generated by these leases is held in trust by the TSRA for the benefit of communities.

- Total Allowable Catch:
 - Spanish Mackerel 187.8t
 - Coral trout 135t
 - 2013/14 catch figures (non-TIB): 108t Spanish mackerel, 30t coral trout

- FinFish Trust Management
 - Two rounds have been run:
 - Round 1 - four grants to four community fisher associations totalling: \$ 376,250
 - Round 2 - three grants to three community fisher associations totalling: \$150,400

- Prawn Fishery
 - Catch estimates for 2013 season are 418t tiger prawn, 103t endeavour prawn and 4t king prawn
 - Estimated fishing effort for 2013 is 2240 days – an increase from the previous year but only 22% of the total allowable effort of 9200 days
 - AFMA has commissioned a project to look into improving profitability in the fishery and the flow of benefits to communities

- Last meeting - 9 April 2014
 - Outcomes
 - Acknowledge and support ownership aspirations
 - Consult on Draft Roadmap to 100% ownership
 - Consult on TRL Fishery Management Plan
 - Reintroduce TRL Fishery moontide closures
 - Remove limits on TIB Primary vessel tenders

- Additional Points
 - The TSRA fisheries program is a stand alone program in the TSRA plan owned by ATSI people.
 - A Draft Roadmap is in progress and is to be 100% owned by Torres Strait Fisheries. Communities will be consulted and given opportunity for their input.
 - AFMA is responsible for the management of Fisheries.
 - State Fisheries review in process may see licensing be absorbed into the roles and responsibilities of AFMA.
 - Catch data is collected from community freezers and will Fisheries will ensure correct information is collected.
 - Quarterly newsletter is released on Fisheries matters

Cr G Lui requested clarity on how stakeholders such as – Malu Sara, TSFA, Malu Lamar, fit into the structure. Mr Bedford advised that there are many stakeholders

that have a role to play and it is only by stakeholders working together that positive outcomes will be gained and economic development will be supported.

Mr Bedford also stated that the TSRA (through fisheries engagement with the PZJA structure) has responsibility for TIB engagement. Malu Lamar is the PBC for the significant sea claim of Malu Sara and as such represents the Traditional Owners in that claim. Malu Lamar has the responsibility and representation of Traditional Owners (currently Outer islands only).

Cr Stephen advised it would be beneficial for TSRA to provide support to communities to voice matters, as PBCs may not always represent all fishermen's or fisheries' issues.

Cr Stephen notes a recent incident when a fishing boat was less than 10 nautical miles from Ugar. Mr Bedford advised that whilst it was not permissible for a non TIB vessel to be less than 10 nautical miles from a community, TIB vessels were permitted. Cr Stephen stated that even though it maybe permissible through regulation it would advantageous for communities to be informed where a TIB vessel intended to fish near communities.

It was noted that Cr Kris entered the meeting 9.50am

Cr W Lui stated TSFA may have the opportunity to put Deputation at the next month's TSRA Board meeting.

Cr Mosby requested that Malu Lamar engage in consultation with Council and Council will provide clarity to constituents on ground.

Council broke for morning tea 10.52am – 11.10am

Item 3.1 Minutes of Previous Meeting

RESOLUTION

Moved Cr Enosa, Seconded Cr J Gela, that the minutes of Council meeting held Boigu 21st and 22nd October 2014 – be adopted as true and accurate.

Motion Carried

Item 3.2 11.10am Action Item Summary – Previous Meeting

Previous Action Item 14 (October meeting): Corporate Plan

Cr Bosun enquired about the progress of the Corporate Plan.

A/EMCS advised the Corporate Plan was waiting on consent for pictures used before posting up on council website.

Previous Action Item 16 (October meeting): TSRA Board Meeting

Mayor requested that the drafted letter be sent.

Previous Action Item 5 (October meeting): Court Resurfacing Grant

Query as to whether My Pathways could assist as local workforce. MPA to follow-up.

Previous Action Item 3 (October meeting): Police and Justice

Cr Bosun requested update

MPA advised a letter has been drafted to QPS, waiting for A/CEO approval.

Previous Action Item 7 (October meeting): Tuberculosis

Cr Baira requested update on Action Item 7 from October 2014 meeting "TB Statistics".

Cr Baira enquired whether Council had a position in putting a temporary band on PNG movement. Mayor Gela advised it is up to the individual community and it was within the Councillor's delegated authority - based on health grounds.

Mayor gave an overview of the health items as discussed at the recent PNG and Torres Treaty meeting.

Action Point

MPA to ensure all Council Resolutions to be uploaded to the Council website.

Action Item

A/EMCS Review Ugar Barge Mail Service.

Action Item

A/CFO to draft correspondence, with Mayor's Gela's sign-off, to QTC Queensland Treasury Corporation to follow-up on loan application, and research other funding options.

Action Item

A/CEO to submit an Agenda Report on Centrelink changes to December 2014 meeting.

Item 4. 12.11pm Delegations Report

A/EMCS presented the Delegations Report.

Cr Sabatino requested that future amendments are provided in a summary sheet to assist review.

RESOLUTION

Moved Cr Bosun, Seconded Cr Nai that pursuant to sections 257 and 260 of the Local Government Act 2009 (Qld), Council adopt the Instrument of Delegations of Local Government 2014, as presented.

Motion Carried

Item 5 12.20pm Subordinate Local Laws (2&3) Report

RESOLUTION

Moved Cr J Gela , Seconded Cr Nai that pursuant to section 28(1) of the Local Government Act 2009 (Qld), Council resolve to:

1. Repeal Subordinate Local Law No. 2 (Animal Management) 2011 ("SLL2"); and
2. Make Subordinate Local Law No. 2 (Animal Management) 2014; and
3. Repeal Subordinate Local Law No. 3 (Community and Environment Management) 2011 ("SLL3"); and
4. Make Subordinate Local Law No. 3 (Community and Environment Management) 2014; and

Motion Carried

Item 6 12.26pm Annual Report

MPA presented the Council Annual Report, noting that consent was still required for the cover image and Mayor's Foreword to be approved.

Action Item

A/ CFO to check Councillors Travel allowance figures and provide updated information to Councillors.

RESOLUTION

Moved Cr W Lui, Seconded Cr Enosa that Council adopts the 2013-2014 Annual Report subject to amendments.

Motion Carried

Item 7 12.40pm Risk Report

A/CEO presented the Risk Report.

Action Item

A/CEO and CFO to insert collection of rates and charges within the next risk register.

RESOLUTION

Moved Cr Kris, Seconded Cr Akee that Council adopt the Risk Register as presented.

Motion Carried

Item 8. 12.50pm Helicopter Subsidy

A/CEO presented the Helicopter Subsidy report.

Action Item

A/CEO to review procedure to ensure best value for money.

Cr Stephen and Cr Gaidan declared their perceived Conflict of Interest as community members for each of the recipient communities and potential beneficiaries directly or indirectly of the benefits flowing and elected not to vote. Councillors permitted Cr Stephen and Cr Gaidan to remain in the room during deliberations.

RESOLUTION

Moved Cr Bosun, Seconded Cr W Lui

- a. That Council commits a 2014/15 operational budget variation amount of \$96,000 towards subsidised helicopter passenger transport for the Ugar and Dauan communities during the 2014 Christmas season; and
- b. That Council adopts a \$82.50 GST inclusive booking fee on a cost recovery basis for administration of the subsidised helicopter passenger service; and
- c. Subject to operational budget commitment, Council authorise the CEO to prepare an administrative procedure to best achieve value for money.

Motion Carried

It was noted that Council broke for Lunch 1.10pm – 2.15pm

Item 9 2.15pm Regional Grants

Item 9.1 Badu Kulpiyam Youth & Sport Inc.

A/CEO presented the Badu Kulpiyam Youth & Sport Inc. report.

Cr Bosun raised how external grant applications are being assessed, including in-kind funding. MPA stated that assessment was dependant on the funding bodies assessment guidelines.

Action Item: A/CFO to ensure the Council's Grant Procedure includes clear assessment criteria.

RESOLUTION

Moved Cr Nai, Seconded Cr Baira

Option One:

That Council agree to provide Regional Community Grants support to the maximum application amount of \$2,215 available in accordance with the Community Grants policy, to Badu Kulpiyam Youth & Sport Inc, for the purposes of running the 2015 Badu Island Touch Carnival.

Motion Carried

9 For & 5 Against

Action Item

A/CEO to inform Badu Kulpiyam Youth & Sport Inc that the grant is for the purpose of trophies and accommodation, and TSIRC logo to be added to the trophies (with final proof to Council for endorsement).

Item 9.2 Centre Village Cutters

A/CEO presented the Centre Village Cutters report.

RESOLUTION

Moved Cr Sabatino, Seconded Cr Nai

Option Three: That Council declines the application and the application be referred to the Councillor for his consideration.

Motion Carried

Asset Management Policy

A/EMCS presented the Asset Management Policy.

RESOLUTION

Moved Cr Nai, Seconded Cr Sabatino, that Council adopt the Asset Management Policy.

Motion Carried

Cr G Lui left the meeting at 3.19pm

Item 11. 3.30 General Business

Cr Kris queried whether when entities are divested they remain Council assets. A/EMCS advised where there is a lease, it remains a Council asset.

The Mayor raised the options for the Christmas function. Councillors agreed to hold on the last day of the Council meeting in Hammond.

Cr Kris raised when the discussion on CEO KPI's would occur.

Action Item

A/CEO will organise special Council meeting to discuss CEO KPI's

Housing NPARIH

Cr W Lui queried the possibility of extending houses due to over crowding. A/CEO advised the Plug-In program will be rolling out December 2014/January 2015. Council will be identifying overcrowded requirements further for the second round.

Cr Mosby left the meeting 3.45pm and returned 4pm

Cr Baira left the meeting 3.56pm and return 4.04pm

Cr Kris provided an overview on the recent Treaty Meeting.

Cr Bosun queried the Divisional Manager (DM) position in Kubin. A/EO advised that recruitment should be finalised in the next couple of weeks.

Cr Kris advised St. Pauls roads have now been completed.

Action Item

A/CEO to follow-up on Erub fisheries acquittal.

Action Item

A/CEO to follow-up on the Australian Crime Commission attendance at the December 2014 Council meeting.

Action Item

A/CEO to provide Building tender update to December 2014 meeting

Action Item

A/CEO to include work schedules for plant as an agenda item and for a Engineering representative to be present at meetings.

4.16pm General Business Closed.

RESOLUTION

Moved Cr Baira Seconded Cr Sabatino that in accordance with s275 of the *Local Government Regulation 2012* it is resolved for the meeting to go into closed session to discuss s275

- (a) the appointment, dismissal or discipline of employees; or
- (b) industrial matters affecting employees; or
- (c) the local government's budget; or
- (d) rating concessions; or
- (e) contracts proposed to be made by it; or
- (f) starting or defending legal proceedings involving the local government; or
- (g) any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; 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.

Further the public in attendance are asked to leave.

Staff were also asked to leave except A/CEO and A/EMCS.

5.30pm staff returned to the meeting.

5.35pm Council meeting closed in prayer by Cr Gaidan