



Torres Strait Island
REGIONAL COUNCIL

MINUTES

ORDINARY MEETING

Monday 20 May 2019: 9:00am to 5:44pm
Tuesday 21 May 2019: 9:00am – 6:45pm

Monday 20 May 2019

Present

Cr Fred Gela, Mayor
Cr Dimas Toby, Division 1 – Boigu
Cr Torenzo Elisala, Division 2 – Dauan
Cr Keri Akiba, Division 3 – Saibai
Cr Keith Fell, Division 4 – Mabuiag
Cr Laurie Nona, Division 5 – Badu
Cr John Levi, Division 7 – St Pauls Community at 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)
Mr Jaydip Sengupta, Chief Financial Officer (CFO)
Ms Julia Maurus, Manager Legal Services (MLS)
Mr Peter Krebs, Acting Manager Legal Services A/MLS
Mr David Abednego, Executive Manager Community Services (EMCoS)
Mr David Baldwin, Executive Manager Engineering Services (EMES)
Mr Luke Ranga, Head of Corporate Affairs and Engagement (HCAE)
Mrs Ursula Nai, Senior Executive Assistant (SEA)
Mr Dawson Sailor, Regional Manager (RM)

Apologies

Mrs Kathy Cochran – Secretariat Officer (SO)
Mrs Jan Pool, Chief Operating Officer (COO)

1. **9:20am – 9:23am** **Opening Prayer and Welcome by Mayor Gela**

Mayor Gela welcomed everyone and thanked them for their attendance and opened the meeting in prayer.

Mayor Gela acknowledged traditional owners and elders past and present for the place we are meeting on today, CEO and staff. Mayor introduces Mr Peter Krebs as acting Legal Manager for TSIRC and, Mr Dawson Sailor Regional Manager taking minutes in Kathy's absence.

2. **9:23am – 9:25am** **Apologies**

- Cr Rocky Stephen, Davison 13, Ugar Island
Cr Stephen will join the meeting later due to medical appointment.

3. **9:25am – 9:28am** **Declaration of Conflict of Interest (COI) or Material Personal Interest (MPI)**

- Councillor David Bosun declared material interest personal interest in presentations of Proposed Quarry on Moa Island due to his family partnership (Mualgal Holdings) with Koppens
- Councillor Francis Pearson declared interest in agenda item 11 being a TSRA Board Member.
- Councillor David Bosun declared an interest in the Kubin Home Affairs trustee report due to traditional land interest and being a Mualgal RNTBC board member.

4. **9:28am – 9:40am** **Confirmation of April 2019 Ordinary Meeting Minutes**

Amendments:

- Item 2: For consistency in records use Cr "Ted" Nai instead of Cr Fraser Nai
- Item 5: Minutes to identify all declared Conflict Of Interest of Councillors relevant to the four Regional Grant Applications
- Item 7 (point 4): correction to 'Cr Elisala' name and correct "Delete duplicate" to "number of action items duplicated on Action Register"
- Item 7 (point 5): correct "Enterprise Divestment – lama – take of the list and close" to read "Enterprise Divestment – lama - take off the list"
- Item 11: Include "**MOTION CARRIED**" for resolution to increase Chief Executive Officer Financial Delegation

Council noted there is no need to record a personal interest for an item where the Councillor in question was not present at the meeting.

RESOLUTION:

Moved: Cr Nona; Second: Cr Toby

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

MOTION CARRIED

5. **9:40am – 9:43am** **Outstanding Ordinary Meeting Action Items**

1. ECM – CEO
2. Trust Reserve – No updates and note apologies of COO
3. Commercial Charges – CEO – in progress currently drafting letter and will distribute to Councillors
4. General Business – due to COO not present, MLS will provide update to general business items

5. Cargo – COO will investigate and notify respective Councillor directly as well as SEA and RM for purpose of minutes
6. Closed Items – Mayor mentioned that no ‘closed’ items should show, only next notes
7. Council office (item 30) – Cr Elisala – correctly identify as Councillors office not Council office
8. 200K update – COO to speak directly with Cr Thaiday

6. **9:43am – 9:44am** **SARG Update**

Mayor Gela advised Council that SARG committee has not met to date, therefore no updates.

Mayor Gela mentioned that a later discussion on the recent Federal Government election results.

7. **9:44 – 9:45am** **Standing Agenda Items**

- Undocumented Commercial Land occupation project – MLS gave verbal update
- Delegation Register Update – MLS gave verbal update
- IKC Update – EMCoS provided verbal update

ACTION: **EMCoS to discuss funding of start up package for shelves etc. with State Library Qld**

ACTION: **EMCoS and HCAE to work on strategy of correct reporting of all IKS operations so that all operating hours are correct when state Library reporting goes live**

Cr Stephen asked if the mobile box will go to Ugar Division
EMCoS responded that space is an issue for Ugar Division

Cr Sabatino enquired what happens to unspent SLQ contribution.
EMCoS advised Cr Sabatino that budget is an offset for salary contribution by TSIRC

8. **9:55am – 10:15am** **FINANCE – Business Continuity Management Policy & Framework**

CFO spoke to this discussion paper. The purpose of the Framework serves purpose to mitigate operational risks and ensure business as usual. Consultations occurred with Executive Team and internal offices as it is underpinned by TSIRCs operational plan and compliance with statutory requirements. The Framework will be a living document therefore updated on an ongoing basis for compliance purposes and it is proposed that the Framework takes effect 1st June 2019.

Key staff namely Executives and Functional Managers who are across operational matters to have risk logic dialogues and identify duplications. It is imperative for clear flow of information and shared knowledge between Executive and functional managers to maintain business continuity in instances such like Local Disaster Management Group.

ACTION: **CFO to host a Business Continuity Plan workshop and test different scenarios with Councillors.**

RESOLUTION:

Moved: Cr Sabatino; Second: Cr Nai

That Council adopts the Business Continuity Management Policy & Framework and Business Continuity Plan for implementation on 1st June 2019.

MOTION CARRIED

MORNING TEA – 10:15am – 10:36am

9. 10:36am – 10:55am FINANCE – Asset Valuation

CFO spoke to discussion paper. Council engaged external valuer JLL approved to carry out desktop re-valuation of Comprehensive valuation is performed every three year by physically sighting assets assess condition and perform valuation. Desktop valuation information is updated on assets are provided to valuers and they provide a report based on the information.

2017 highlighted significant movements that Council absorbed at that point in time.

TSIRC can wait 3 year for a comprehensive or absorb movements each year via a desktop valuation so the movement are less significant at time of comprehensive

Threshold movement is less than 5% in current

Recommendation from Audit Committee that council considers that the 5% threshold is disregarded and movement proposed through the valuations be accepted. Current procedure is that valuation is performed by external valuer; Annual Desktop; and third year comprehensive valuation will remain as is. Submission of independent valuer recommendations to audit committee and recommendation of audit committee to Council will remain. All movement will come to the council regardless of threshold regardless.

Left laying on table for the CFO to formulate wording for the resolution.

10. 10:55am – 10:56am FINANCE – Revenue Policy

CFO spoke to discussion paper. In accordance with intent of this paper is to present for adoption the annual revenue policy in order to formulate 2019/2020 budget. Section 193 of the *Local Government Act* states that a Local Government must review its revenue policy annually and in sufficient time to allow an annual budget that is consistent with policy to be adopted for the next financial year.

There is no significant change to existing policy SP05 Revenue Policy.

RESOLUTION:

Move: Cr Elisala; Second: Cr Bosun

Council adopts Revenue Policy SPO05 effective from 1st July 2019.

MOTION CARRIED

11. 10:56am – 11:10am LEGAL – Complaint (Public Official) Policy

Under section 48A of the Crime and Corruption Act, Council is required to have a policy to inform processes of how Council manage complaint of corrupt conduct nature against the public official, namely the CEO and notify the Crime and Corruption Commission. The Policy is required to be a stand-alone policy from the existing TSIRC Complaints Policy.

MLS recommends the Mayor is nominated to manage the complaint which includes power to delegate the complaint to an external party.

Cr Sabatino expresses concerns if the delegation is handed over to Mayor it may complicate in separating both roles in particular financial delegation as Mayor assumes this task. Suggestion that that delegation should be to a Department of Local Government.

Item left laying on the table for MLS to explore options what other Local Government entities have in place.

ACTION: MLS to investigate with DLGRMA who other Councils are nominating to deal with any complaints and corruption against public officials

12. **11:10am – 11:12am** **LEGAL – Delegations Register (Late Report)**

MLS spoke to the report. The paper provides Council with an opportunity to review and adopt an updated Delegations Register (Council to CEO).

A streamlined process from one instrument of delegation for one statutory act / regulations (currently council adopts the large 600 document each time an amendment is put through).

RESOLUTION:

Move: Cr Nona; Second: Cr Pearson

That pursuant to Section 257 of 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 attached Instruments of Delegation:

- **Water Regulation 2016:** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as Attachment 2
- **Biosecurity Regulation 2016:** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as Attachment 3
- **Planning Act 2016:** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as Attachment 4
- **Public Health Act 2005:** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as Attachment 5
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MOTION CARRIED

13. **11:12am – 11:20AM** **CORPORATE – Communication Guidelines (Late Report)**

HCAE spoke to the Communication Guidelines paper. To resolve amendments to the Communications Guidelines to reflect new Heads of Department and titles and align with the five new core values of Council and Head of Department role added to the definition of Senior Executive employee and align with the operating model and Head of People of Wellbeing.

MLS enquired Senior Executive Employee role is derived from, and defined in Legislation therefore cannot be amended in Councils policy. A Senior Executive Employee, in accordance with Legislation needs to complete Register of Interest etc.

ACTION: HCAE to add definitions for Head of Department to Communication Guidelines and present as Information Paper at Councils June Ordinary Meeting.

ACTION: HCAE to table amendments to Communication Guidelines in Councils June ordinary meeting as an Information Report

RESOLUTION:

Move: Cr Bosun; Second: Cr Fell

Council resolve to move the amendments in the Communications Guidelines pending action items as discussed with regards to definitions of Heads of Department.

MOTION CARRIED

14. 11:20am – 11:25am CORPORATE – Program Submission Extension (Late Report)

HCAE spoke to this paper relating to Community Grants Program. Resolving two particular points:

(a) Proposed Community consultation linked with Corporate Plan consultations to promote Community and Regional Grants program and identify barriers;

(b) An additional grant round totalling Five Regional Grant Rounds for 2019/2020 financial year due to underspends between \$40,000 and 80,000 taking into consideration timing of the Grant rounds affecting acquittal process timing of getting feedback to unsuccessful or successful applications.

RESOLUTION:

Move: Cr Nai; Second: Cr Fell

Council resolve that Corporate Affairs and Engagement Team conduct community consultations about the community grant program and, an additional Regional Grant round in 2019/2020 financial year as a result of underspends closing 19th June 2019.

MOTION CARRIED

15. 11:25am – 12:05pm CORPORATE – Mission Statement

HCAE spoke to the discussion paper. Council workshop on Wednesday (23rd May) to create dialogue with Council workshop to amend current vision statement and add a Mission statement for Council. Current Vision statement is a Mission Statement. It is planned that this occurs prior to roll out of 5 year Corporate Plan.

Organisations such as Torres Shire Council and Torres Strait Regional Authority share the same vision statement and appears duplicated. This may be an opportunity for Council to identify separately and reflect the organisations journey however must not lose sight of who we represent.

The Vision is where we see ourselves, in the future. Key is what is this vision?
Mission is what we are doing here, our values.

Mayor Gela asks Councillors to consider 1) where are you now? and, 2) Where do you want to be? Autonomous; Vibrant and Sustainable Communities – are discussed to be considered.

ACTION: HCAE to email Vision Statement options to Councillors prior to Wednesday Workshop for Councillors to endorse at Workshop.

RESOLUTION:

Move: Cr Nona; Second: Cr Nai

Pending outcome of workshop 23rd May, Council endorses amendment of existing Vision Statement in addition a new Mission Statement for Council.

MOTION CARRIED

16. 12:05PM – 12:06pm COUNCIL MOVE INTO TRUSTEE

RESOLUTION:

Move: Cr Elisala; Second: Cr Nai

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

17. 12:06PM – 12:20PM TRUSTEE – LEGAL – TSRA Lease – Poruma and Mabuyag

- Cr Lui declared a conflict of interest (COI)
 - COI details: Cr Lui is a voting TSRA Board Member
 - How the Council proposed to deal with the COI: Cr Lui left the room and did not vote on the matter however the Mayor voted in his place
- Cr Bosun declared a conflict of interest (COI)
 - COI details: Cr Bosun is a voting TSRA Board Member
 - How the Council proposed to deal with the COI: Cr Bosun left the room and did not vote on the matter.
- Cr Toby declared a conflict of interest (COI)
 - COI details: Cr Toby is a voting TSRA Board Member
 - How the Council proposed to deal with the COI: Cr Toby left the room and did not vote on the matter.

MLS spoke to this report. Leases previously under Department of Customs Home Affairs expired 31st December 2018. Torres Strait Regional Authority (TSRA) advised Council that they require these boat sheds on Poruma and Mabuyag and applied for a Lease effective 1st January 2019 paying commercial licence fees until such time as both Lease are registered.

Council as Trustee for the various Deeds of Grant in Trust calculated rent based on approved methodology of \$10.80 per square metre per annum for commercial/government leases, with a minimum charge of \$6,000 per annum.

RESOLUTION:

Move: Cr Fell; Second: Cr Sabatino

That pursuant to the Torres Strait Islander Land Act 1991 (QLD), the Trustee grant a standard lease to the Torres Strait Regional Authority, over Lot 970 on SP273192 (120m²) at Mabuyag, for Indigenous Ranger Program purposes, subject to registration of an Indigenous Land Use Agreement to which Council is a party, and that the Trustee delegate to the Chief Executive Officer the power to conclude the terms of the above leave.

MOTION CARRIED

RESOLUTION:

Move: Cr Pearson; Second: Cr Nai

That pursuant to the Torres Strait Islander Land Act 1991 (QLD), the Trustee grant a standard lease to the Torres Strait Regional Authority, over Lot 53 on SP270862 (approx. 180m²) at Poruma, for Indigenous Ranger Program purposes, subject to:

- a) Lease plan; and
- b) Registration of an Indigenous Land Use Agreement to which Council is a party and that the Trustee delegate to the Chief Executive Officer the power to conclude the terms of the above lease.

MOTION CARRIED

LUNCH – 12:20PM – 13:36PM

18. 13:39pm – 2:45pm TRUSTEE – LEGAL – Home Ownership Program Update

MLS spoke to this report providing Council with update of the Home Ownership Program and summarised below:

- Discussion around appropriate land price for home-ownership leases and ordinary freehold option land, taking into account traditional land ownership and noting the lack of land valuations for a local government area.
- Cr Nona asked what services are available to assist home-owners with repairs and maintenance. COO advised that her team is doing a mapping exercise on what tradespeople

are available for home-owners to hire across the different communities and legalities of the process. This will be built into FY19/20 budget, covering TSIRC apprentices but not contractors. Home-owners would contact the tradespeople directly to arrange work.

- Councillors discuss community pool/fund options and credit union products available. In addition, possible administrative arrangements and considerations to existing resources.

ACTION: **MLS to work with Department of Housing & Public Works to set sale price of One-bedroom detached house and duplex.**

ACTION: **MLS to inform Department of Natural Resources Mines and Energy with the proposed \$1.00 land price**

RESOLUTION

Move: Cr Nona; Second: Cr Sabatino

That Council endorse the “Housing Update” newsletter about the home-ownership program for distribution to tenants, noting that TSIRC proposes a land price of \$1.00.

MOTION CARRIED

19. **2:45pm – 2:48pm** **TRUSTEE – LEGAL – LHA Hammond Lot 56**

RESOLUTION

Move: Cr Sabatino; Second: Cr Bosun

That the trustee propose to the Department of Natural Resources Mines and Energy (DNRME) a land price of \$1.00 for the purpose of a home-ownership lease under section 91(1)(b) of the Torres Strait Islander Land Act 1991 (Qld) and the corresponding section of the Aboriginal Land Act 1991 (Qld).

MOTION CARRIED

20. **2:48pm – 2:50pm** **TRUSTEE – LEGAL – Home Affairs – Kubin**

- Cr Bosun declared a material personal interest due to traditional land interest and being a Mualgal RNTBC board member. Cr Bosun left the room and did not vote and the Mayor voted in his place.
- Cr Elisala declared a material personal interest due to traditional land interest. Cr Elisala left the room and did not vote.

RESOLUTION:

Moved: Cr Gela; Second: Cr Nai

That pursuant to the Torres Strait Islander Land Act 1991 (Qld), the Trustee grant a standard lease to the Commonwealth of Australia represented by the Department of Home Affairs, over Lease C on unregistered DP273328 in Lot 5 on SP271019 (797m²) at Banks Peak, Kubin (Moa Island), title reference 51089383, for the purpose of operating and maintaining a radio telecommunications tower and affixed infrastructure, subject to:

a. settlement regarding previous occupation, to the satisfaction of the Chief Executive Officer

b. registration of an Indigenous Land Use Agreement to which Council is a party and that the Trustee delegate to the Chief Executive Officer the power to conclude the terms of the above lease.

MOTION CARRIED

21. **2:50pm – 2:56pm** **TRUSTEE – LEGAL – AMSA – Hammond Island**

- Cr Bosun declared a conflict of interest because of his traditional Kaurareg connection to Hammond Island. Cr Bosun left the room and did not vote.

ACTION: **MLS to follow up with AMSA regarding a lease for the Turtle Head site.**

RESOLUTION

Moved: Cr Sabatino; Second: Cr Fell

1. That pursuant to the Aboriginal Land Act 1991 (Qld), the Trustee grant a standard lease to the Australian Maritime Safety Authority (AMSA), over Lots 75 (2,718m²) and 76 (890m²) on SP248418 at Hammond Island, for the operation of maritime safety facilities, including a private helipad, subject to development approval (if required) and native title future act validation.
2. That the Trustee delegate to the Chief Executive Officer the power to conclude the terms of the above lease.

22. 2:56pm – 3:05pm TRUSTEE – LEGAL – TCHHS Lease – Mabuyag

- Cr Nai declared a conflict of interest as a TCHHS board member. Cr Nai left the room and did not vote.
- Cr Tamu declared a conflict of interest as a TCHHS employee. Council decided to allow Cr Tamu to remain in the room and vote.

Lease application been around for some time. Council allowed exemption numerous times previously to allow Qld Health Department to satisfy its Minister and Treasury Department approval condition. Initial agreement has expired however with Ministers approval, Qld Health is proposing commencement of lease 14th May with

RESOLUTION

Move: Cr Fell; Second: Cr Nona

Council accepts Lease proposal subject to final lease terms corresponding to the most recent leases that Council entered into (Ugar, Poruma and Masig) to ensure that terms are consistent and that Qld Health is paying legal costs which was not included in previous agreements. Also Qld Health to pay interim licence fees effective 1st October 2018 to 14th May 2019 consistent with the Agreement previously breached (commercial rate). Qld Health agrees to pay commercial rent from date of registration.

MOTION CARRIED

23. 3:05pm – 3:38pm TRUSTEE – LEGAL – Hammond Freehold Option

- Mayor Gela declared a conflict of interest because his sister, Veronica Sabatino, hold interests in the proposed freehold option land. Mayor Gela left the room and did not vote. Cr Lui chaired the meeting.
- Cr Sabatino declared a conflict of interest because his relatives, including Veronica Sabatino, Peter Sabatino and Reg Sabatino, hold interests in the proposed freehold option land. Cr Sabatino left the room and did not vote.
- Cr Fell declared a conflict of interest because of his traditional Kaurareg connection to Hammond Island. Cr Fell did not leave the room and agreed to vote
- Cr Nona declared a conflict of interest due to family connection to family with interest in the matter. Cr Nona left the room and did not vote.
- Cr Bosun declared a conflict of interest because of his traditional Kaurareg connection to Hammond Island. Cr Bosun left the room and did not vote.

MLS spoke to the meeting paper. MLS explained that the trustee needed to decide whether it was appropriate to make ordinary freehold available at Hammond Island and, if yes, what the application fee would be.

MLS noted Council had just resolved to propose a land price of \$1.00. The proposed model Freehold Instrument covers 20 lots at Hammond Island where native title has been extinguished by the grant of perpetual (Katter) leases under the 2013 Land Holding Act.

Discussion about the community consultation process at Hammond Island, the interests of the native title claimants, the cultural significance of making ordinary freehold available in the local government area for the first time, and the limited number of submissions received from the Hammond Island community on the proposed freehold option.

The report was left laying on the table

AFTERNOON TEA – 3:38pm – 3:56pm

24. 4:00pm – 4:07pm COUNCIL MOVE OUT OF TRUSTEE

RESOLUTION:

Moved: Cr Elisala; Second: Cr Kaigey

That Council move out of meeting from Trustee to capacity as Local Government.

9. 3:56pm – 3:58pm ASSET VALUATION

RESOLUTION:

Moved: Cr Sabatino; Second: Cr Thaiday

That Council adopt Asset Valuation – 30 June 2019 as per the recommendation from the Audit Committee.

That Council adopt PR 10-011 Asset Valuation – Non-current Asset Procedure to remove reference to Councils' need to only account for the impact of revaluation if the cumulative change in the index is 5% or greater (either positive or negative) and replace with "the Council will continue to be the final authority to adopt annual Asset Valuation as recommended by the independent valuer and as endorsed by the Audit Committee".

MOTION CARRIED

11. 3:58pm – 4:00pm AGENDA ITEM #11 (COMPLAINTS POLICY)

MLS passed on advice from the Crime and Corruption Commission that quite a few Councils have nominated the Mayor as the nominated person for this policy.

Some smaller Councils have instead chosen to nominate the Chief Operating Officer, General Manager, legal person or other senior office-holder who could act independently. Some Councils reserve to the nominated person the right to engage an external investigator (sometimes the investigator is specified) to report and advise the nominated person.

RESOLUTION:

Move: Cr Elisala; Second: Cr Kaigey

That Council adopt SPO29 Complaint (Public Official) Policy, as presented, under section 48A of the Crime and Corruption Act 2001, noting that the Mayor shall refer any such complaint for external investigation.

MOTION CARRIED

25. 4:07pm – 5:00pm COUNCIL MOVE IN TO CLOSED BUSINESS

RESOLUTION:

Moved: Cr Bosun; Second: Cr Elisala

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 Council's budget and proposed contracts listed below:

MOTION CARRIED

26. COMMUNITY – VET Tender
27. ENGINEERING – Torres Seawall Stage 2 (Late Report)
28. ENGINEERING – Saibai STO Ocean Outfall MIP6 (Late Report)
29. ENGINEERING – Boigu STP MIP6 (Late Report)
30. ENGINEERING – Badu Aviation – MIP6 (Late Report)
31. ENGINEERING – ICCIP Program Management Service (Late Report)

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

32. **5pm – 5pm** **COUNCIL MOVE OUT OF CLOSED BUSINESS**

RESOLUTION:

Moved: Cr Nona; Second: Cr Thaiday

That Council move out of Closed Business.

MOTION CARRIED

27. **ENGINEERING – Torres Seawall Stage 2**

RESOLUTION:

Moved: Cr Toby; Second: Cr Fell

That Council resolves to direct funding made available from the recently announced \$20 Million Queensland State Government allocation for additional coastal works to complete coastal defence works at Boigu and Poruma, which includes extension works at both communities to realise optimum coastal protection is achieved at both communities from the funding available, and this being subject to formalising and entering into a funding agreement.

MOTION CARRIED

- Cr Bosun earlier declare a potential material personal interest (MPI)
 - MPI details: Cr Bosun family partnerships with Koppens
 - How the Councillor proposed to deal with the MPI: Cr Bosun left the room and did not vote.

28. **ENGINEERING – Saibai STO Ocean Outfall MIP6**

RESOLUTION:

Moved: Cr Akiba; Second: Cr Nai

Pursuant to the Local Government Act 2019 and Local Government Regulation 2012, that Council resolve to:

- **Award Contract TSIRC 2019-149 to Bluewater Marine QLD to the amount of \$1,007,863.13 excl GST, which includes an if ordered amount of \$177,762.00 excl GST; subject to a revised budget being made available by the MIP trustee to meet the full project revised required forecast budget, and completion of the 24 NA notice.**
- **Make request to the MIP Trustee to redirect savings from the overall TSIRC MIP6 budget to meet the forecast Saibai STP Ocean Outfall project budget requirements.**
- **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

29. ENGINEERING – Boigu STP MIP6

RESOLUTION:

Moved: Cr Sabatino; Second: Cr Pearson

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

- Award Contract TSIRC 2019-150 to Koppen Construction to the amount of \$1,998,695.00 excl GST, which includes an if ordered amount of \$53,727.00 excl GST; subject to a revised budget being made available by the MIP trustee to meet the full project revised required forecast budget.
- Make request to the MIP Trustee to redirect savings from the overall TSIRC MIP6 budget to meet the forecast Boigu sewer treatment plant and pump station project budget requirements.
- 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

(Cr Bosun returns to the room)

30. ENGINEERING – Badu Aeration – MIP6

RESOLUTION:

Moved: Cr Nona; Second: Cr Pearson

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

- Award Contract TSIRC 2019-147 to Northern Water to the amount of \$275,763.50 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

31. ENGINEERING – ICCIP Program Management Service

RESOLUTION:

Moved: Cr Sabatino, Second: Cr Bosun

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

- Engage the services of Innovative Facility Solutions Pty Ltd under the preferred supplier arrangement and the quotation (dated 30 October 2017) to beyond the 30 June 2019 and up until 30 June 2021 to an upper limit total value of \$464,751.00 ex. GST, or to conclude the engagement earlier at the CEO's direction.
- 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 this arrangement.

MOTION CARRIED

33. 5:00pm - 5:00pm COUNCIL MOVE INTO TRUSTEE

RESOLUTION:

Moved: Cr Pearson; Second: Cr Nai

Council close the local government meeting and re-open a separate meeting in its capacity as DOGIT trustee.

MOTION CARRIED

34. 5:00pm – 5:35pm TRUSTEE – LEGAL – Hammond Freehold Option
(Discussion resumed)

- Mayor Gela declared a conflict of interest because his sister, Veronica Sabatino, hold interests in the proposed freehold option land. Mayor Gela left the room and did not vote. Cr Lui chaired the meeting.
- Cr Sabatino declared a conflict of interest because his relatives, including Veronica Sabatino, Peter Sabatino and Rag Sabatino, hold interests in the proposed freehold option land. Cr Sabatino left the room and did not vote.
- Cr Fell declared a conflict of interest because of his traditional Kaurareg connection to Hammond Island. Cr Fell did not leave the room and agreed to vote
- Cr Bosun declared a conflict of interest because of his traditional Kaurareg connection to Hammond Island. Cr Bosun left the room and did not vote.

Council invited Mayor Gela into the room to inform the meeting of the community consultation process undertaken at Hammond Island for the proposed freehold option.

- Mayor Gela advised that from the pilot program, the community gained an understanding of the risks and benefits of ordinary freehold. At the end of the pilot, more people wanted home-ownership than before and more people wanted freehold. The 20 lots proposed for freehold option land already have native title extinguishment principles. A small portion of the community has raised concern about the risk of freehold because it is an open market, meaning non-Indigenous people could come into the community. Families were focussed on this risk. It is a family decision but it affects the whole community. Young people say they will not necessarily sell the land but for business opportunities (equity) it would be good to have the land ownership as collateral.
- Cr Lui noted that the proposed Hammond Island freehold instrument would be the first time ordinary freehold would be available in an Indigenous community in Queensland. Cr Lui expressed the Council's uneasiness and asked whether we are doing the right thing by the Kaurareg people.
- Mayor Gela advised that Hopevale community already has a freehold area. Mayor Gela advised that LHA (Katter) leaseholders at Hammond Island can already go directly to the State for freehold because LHA leases have burnt a hole through both the DOGIT and native title. MLS advised that under the 2013 Land Holding Act section 11, all LHA leases at Hammond Island are deemed to be trustee leases under the Aboriginal Land Act 1991 (Qld) and the land therefore still forms part of the DOGIT.

Mayor Gela then left the room.

- Cr Nona advised that his understanding was the same as Mayor Gela's, based on advice received from the State regarding Badu LHA leases.

Council decided to seek clarification from the State and invite the State to come and explain the tenure for LHA leases.

ACTION: MLS to obtain clarification from the State and invite the State to explain the tenure to LHA Leases.

The matter was therefore left laying on the table.

35. 5:35pm – 5:42pm Business Arising from Information Reports

Verbal update by MLS that Saibai Community Safety and Security Facility (verbal update from MLS)

Council discussed the options for providing the State with vacant possession of the land (lot 120).

ACTION: Mayor and CEO to discuss enforcement options with QPS Inspector Mark Lingwood and the Superintendent.

36. General Business

37. Leave in Advance

It was agreed that item is deferred to meeting next day.

38. 5:42pm – 5.44pm Next Meeting scheduled for 25 – 26 June 2019 – Mer

Meeting Closed at 5:44pm – Prayer by Cr Thaiday

Tuesday 22nd May 2019

Present

Cr Fred Gela, Mayor
Cr Dimas Toby, Division 1 - Boigu
Cr Torenzo Elisala, Division 2 – Dauan
Cr Keri Akiba, Division 3 – Saibai
Cr Keith Fell, Division 4 - Mabuyag
Cr Laurie Nona, Division 5 - Badu
Cr David Bosun, Division 6 – Kubin Community at Mua Island
Cr John Levi, Division 7 – St Pauls Community at 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
Cr Bob Kaigey, Division 15 – Mer
Mr Bruce Ranga, Chief Executive Officer (CEO)
Mr Jaydip Sengupta, Chief Financial Officer (CFO)
Ms Julia Maurus, Manager Legal Services (MLS)
Mr Peter Krebs, Acting Manager Legal Services (A/MLS)
Mr Luke Ranga, Manager Engagement (HCAE)
Mr Phillemon Mosby, Campaign and Events Coordinator
Ms Ursula Nai, Senior Executive Assistant (SEA) (TI office)

Apologies

Mrs Jan Pool (COO)
Ms Kathy Cochran, Secretariat Officer (SO)

239. 9:00am – 9:10am Opening prayer and welcome by Mayor

Mayor welcomed everyone and invited Cr Lui to open the meeting in prayer. Mayor Gela invited Ms Rita Pryce and daughter to the meeting and introduced them to the Council. Councillors went around the room and introduce themselves one at a time.

40. 9:10am – 10:00am PRESENTATION 1: Cultural Protocol in Performing Arts – Ms Rita Pryce and Ms Cleopatra Pryce

ACTION: HCAE to work with Ms Pryce on a working strategy and potential event to be hosted in November 2019. HCAE to update Councillors on a monthly basis

Morning Tea – 10:00am – 10:30am

41 10:30am – 11:30am PRESENTATION 2: CEQ Leases – Mr Ian Copeland – Chief Executive Officer, Mr Tony Flint – General Manager Retail Operations and Mr Anthony Bird - General Manager Finance

42. 11:30am – 12:30pm PRESENTATION 3: Katter Lease – Boigu Community Focus Group

ACTION: MLS to work with Cr. Toby to develop a consultation plan for Boigu LHA leases for submission to the State (DATSIP) to confirm as part of the LHA resolution program for the Torres Straits

Lunch – 12:30pm – 1:30pm

43. 1:30pm – 2:30pm PRESENTATION 4: Solar / Hybrid Power Presentation - Mr John Knight and Mr Tony Banergee

ACTION: Mr John Knight to provide further information on Solar / Hybrid Power Presentation to TSIRC Chief Operating Officer for further discussions

44. 2:30pm – 3.30pm PRESENTATION 5: Proposed Quarry on Moa Island –

ACTION: MLS to review proposed MOU and provide legal advice

Afternoon Tea – 3:30pm – 3:45pm

37. 3:45pm – 3.50pm Leave in Advance

The following Councillors applied for leave in Advance

- Cr Mario Sabatino
- Cr Clara Tamu
- Cr Dimas Toby
- Cr Mario Sabatino

- Cr Ted Nai
- Cr Rocky Stephen
- Cr Getano Lui
- Cr David Bosun

36. 3:50pm - 4:15pm General Business

Cr. Fell raised concerns about the unannounced visitor on jet boat who arrived at Mabuia and was provided assistance for fuel before being intercepted at Saibai and what framework TSIRC has to deal with these situations in the future.

ACTION: COO to send all Councillors a copy of the framework that is in place to deal with unannounced visitors in Community

Cr. Fell requested TSIRC 8 point plan to be emailed to all Councillors

ACTION: HCAE to email copy of the 8 point plan to all Councillors

Cr. Fell raised in-kind support given to community members by use of Discretionary Funds. All Councillors agreed that in-kind contributions by Councillors to community members should be recorded but not charged to their individual discretionary funds.

ACTION: CFO to implement all in-kind contributions by Councillors to community members is recorded by not charged to their individual discretionary funds.

Cr. Fell raised concerns over the use of TSIRC branding

ACTION: HCAE to communicate and distribute new TSIRC branding to all staff so that staff can use a consistent approach with the branding

Cr Fell would like a consistent approach used for Councillor Private Accommodation Allowance to be used throughout the Torres Straits and Cairns

ACTION: CFO to follow up Councillor Private Accommodation Allowance and update at next meeting

Cr Fell discussed options around getting a vending machine installed at Mabuia Airport

ACTION: COO to provide costing on the possibility of installing a vending machine at Mabuia Airport

Cr Fell asked how TSIRC can support small local grass cutting business on Mabuia

ACTION: COO and Engineering Department to organise the tender process for grass cutting on Mabuia Island

45. 4:15pm – 6.44pm **PRESENTATION 7: Joint Venture between My Pathway and GBK – Mr Paul Synnott – CEO My Pathway, Mr Robert Jansen – CEO GBK, Mr Falen D Passi – Chair GBK, Mr Milton Savage – Chair GBK and Mr Johnny Kris – Chair GBK**

Mayor thanked everyone for their attendance and contribution and Cr. Levi closed the meeting in prayer.

Meeting Closed – 6:45pm