



**Torres Strait Island**  
REGIONAL COUNCIL

**MINUTES**

**ORDINARY MEETING**

Tuesday 19 December 2017: 9:16am to 3:18pm  
Hammond Island Community Hall

Wednesday 20 December 2017: 9:00am to 10:39pm  
Thursday Island Office

**Tuesday 19 December 2017**

**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 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 (via Tele conference – Cairns office)

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 Christ McLaughlin, Acting Chief Executive Officer (ACEO)

Mr Robert Dwyer, Acting Executive Manager Corporate Services (AEMCS)

Ms Melissa Barmettler, Executive Manager Financial Services (EMFS)

Mr David Baldwin, Executive Manager Engineering Services (EMES)

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

Ms Lorna Bowie, Senior Executive Assistant (SEA)

Mrs Kathy Cochran – Secretariat Officer (SO)

**Apologies**

Cr Keith Fell, Division 4 – Mabuiag Island

1. **9:16am – 9:19am**                      **Opening Prayer by Cr Thaiday and Welcome by Mayor**

**Mayor Gela - Welcome and Opening Remarks**

Council observed one minute silence for families that are currently experiencing sorry business.

Mayor Gela welcomed everyone and thanked Councillors for their attendance. Mayor acknowledged the traditional owners of the land on which we're meeting, the Karareg families, Cr Sabatino, Elders past and present and all Councillors and staff in attendance.

2. **9:19am – 9:20am**                      **Apologies**

Cr. Keith Fell, Division 4 – Mabuia Island

3. **9:20am – 9:21am**                      **Declaration of Conflict of Interest (COI) or Material Personal Interest**

Mayor Gela asked Councillors if anyone wished to make a declaration, and mentioned they would have an opportunity to declare later.

- Cr Sabatino declared a material personal interest for TRUSTEE – Corporate – Hammond Mini Mart.
- Cr Sabatino declared a material personal interest for CLOSED BUSINESS – Finance – Maritime Fee Relief.

4. **9:21am- 9:26am**                      **Confirmation of November Ordinary Meeting Minutes**

The following amendments to be made to the November 2017 Ordinary Meeting:-

Page 17 – date at the top of page should read “22 November 2017” not “25 October 2017”

**RESOLUTION**

*Moved:* Cr Sabatino;    *Second:* Cr Pearson

**That the minutes of the Ordinary Meeting held in November 2017 be adopted as a true and accurate record of that meeting taking into account the above amendments.**

**MOTION CARRIED**

5. **9:26am – 9:40am**                      **Outstanding Strategic Action**

1. Business Continuity Plan
2. Torres Strait Flag potential revenue
3. Councillors Remuneration
4. Septic tank overflow at Ugar
5. Iama – Treaty
6. Montisarues Program for Yam Island
7. Warraber boundary mapping
8. Maritime Fees
9. Telstra Ranger approval – Erub
10. Access to Dauan and Ugar
11. Fuel Fees – Mel will advise Cr Sabs full report in the new year

**ACTION:** EMFS - Asset Valuation Briefing Note to be supplied to the February Ordinary Meeting (Closed Business).

**ACTION:** EMCS - Fulsome review to be undertaken on pricing to ensure freight and fuel savings are passed through to the customer. Look at frequency of changing pricing (current +/- 5% TPRRP not working).

6. **9:40am – 9:45am** **CORPORATE – Amended Annual Operational Plan 2017/18**

AEMCS spoke to this report. The purpose of this report is to present the proposed Amended Annual Operational Plan for financial year 2017–2018 for adoption by Council.

Pursuant to section 174 of the Local Government Regulation 2012 (Qld), Council must prepare and adopt an annual operational plan for each financial year. Council must discharge its responsibilities in a way that is consistent with its annual operational plan and may, by resolution, amend its annual operational plan at any time before the end of the financial year.

The annual operational plan must—

- (a) be consistent with Council’s annual budget; and
- (b) state how Council will—
  - (i) progress the implementation of the 5-year corporate plan during the period of the annual operational plan; and
  - (ii) manage operational risks; and
- (c) include an annual performance plan for each commercial business unit of Council (as detailed in section 175(2)).

**RESOLUTION:**

*Moved:* Cr Nona *Second:* Cr Kaigey

**That pursuant to section 174(1) of the Local Government Regulation 2012 (Qld), Council adopt its Amended Annual Operational Plan for financial year 2017–2018, as presented.**

**MOTION CARRIED**

7. **9:45am - 10:23am** **FINANCE – Budget Review 2017/18**

EMFS spoke to the report. The purpose of this report is to update Council on the current budget position and resolve for adoption the Amended Budget for the 2017-2018 Financial Year.

Subsequent to preparing and presenting the 17/18 Budget Review and associated financial models to Council at the November Workshop in Cairns, the following additional items will impact the revised budgeted position.

These items are not reflected in the attached financial model however are recommended for endorsement by Council as part of the 2017/18 Budget Review.

- \$26k of additional operating expenditure to conduct childcare feasibility studies endorsed as part of Councils operational plan activities.
- The creation of divisional reserves for DOGIT lease revenue of approximately \$355k, subject to a reserve policy being endorsed by Council at a future date. Reserve funds will decrease general cash reserves of Council and will constrain reserve funds for allowable purposes only.
- \$300k for fuel infrastructure to be incorporated into the capital budget.

Cr Bosun asked about the fuel infrastructure. Mayor Gela informed Councillors, where Council currently have existing fuel infrastructure this fund will be used to upgrade to OPT system once available, Focus however will be on upgrading Mer and Ugar drums to Fuel Bowsers, making them more user-friendly and 24 hour access to community.

Cr Toby raised concerns regarding the families from Treaty villages who visit and can only pay cash and the extra community have to pay to do a banking transaction at IBIS or at the Taipan store. ACEO advised Council were unable to revert to cash. Cash is a major theft risk for Council.

**ACTION:** EMCS - Consider that traditional visitors cannot do cashless (rely on good will of community members) or pay exorbitant fees at Taipan Trading.

Cr Sabattino asked, should we be supplying fuel and why aren't we seeing any savings in the fuel pricing? ACEO informed Council that Corporate Services are in the process of compiling the new

rates based on the Seaswift contract savings. This will go to the Executive In January 2018 and rates updated thereafter. Mayor advises that we must look at savings at the bowser and gas.

## **RESOLUTION**

*Moved:* Cr Lui *Second:* Cr Stephen

***That Council adopts in accordance with s169 and s170 of the Local Government Regulation 2012 an amended budget for 2017/2018 Financial Year as presented, incorporating:***

- (i) Statement of Financial Position;***
- (ii) Statement of Cash flow;***
- (iii) Statement of Income and Expenditure;***
- (iv) Notes to Statement of Income and Expenditure;***
- (v) Statement of Changes in Equity;***
- (vi) Long Term Financial Forecast;***
- (vii) Financial Sustainability Ratios;***
- (viii) Capital Budget.***

**MOTION CARRIED**

### **8. 9:23am – 9:38am FINANCE – Regional Grant**

EMFS spoke to this report. The purpose of this report is to present to Council for decision Regional Grants Applications received to date for Round Three funding.

The third round of Regional Grants opened on Friday 1 December and ordinarily closes on 31 December. However, due to the possibility of no January Council meeting, the closing date has been extended for Round 3 to 31 January 2018.

One application from Dhadhin Geai Warriors has been received to date.

All subsequent applications will be presented to Council at the February meeting and advertisements have been placed in the Torres News to run during December and January.

Council aims to provide financial assistance to not-for-profit community organisations and groups within the Torres Strait Island Regional Council area towards projects and activities. Applications are assessed in accordance with Council's Grants and Donations Procedure.

A second report will be presented to Council at the February Ordinary Council meeting to assess remaining Regional Grants Round 3 applications.

#### **Applicant 1 – Dhadhin Geai Warriors**

Dhadhin Geai Warriors are seeking financial assistance of \$2,500 towards attending the Rugby League Festival in Redfern, Sydney on the 10<sup>th</sup> of February 2018.

The application is deemed eligible under the Community Grants and Donations Procedure and meets the assessment criteria.

- Cr Bosun declared a conflict of interest (COI) for item
  - COI details: Cr Bosun two sons play for the team.
  - How the Councillor proposed to deal with the COI: Cr Bosun left the room and did not vote.

Cr Thaiday requested some more information about the team and the carnival they're attending. Cr Bosun gave Council a briefing on the team and how it consists of all Torres Strait Island boys and that these carnivals they attend displays the talent that's in our region on display. Cr Nona in support of the teams attending these carnivals added these carnivals give our young footballers the exposure to higher level playing and scouts are often at these events. Some of our existing high profile indigenous players were selected out of playing at these carnivals for example Greg Inglis.

- Cr Stephen made a subsequent COI disclosure as he was made aware his nephew plays in the team.
  - COI details: Cr Stephen nephew plays in the team
  - How the Councillor proposed to deal with the COI: Cr Stephen left the room and did not vote.

**RESOLUTION:**

*Moved:* Cr Nai *Second:* Cr Elisala

**That Council resolves to provide Regional Grant support to the following applicant in accordance with the Community Grants policy:**

1. **Dhadhin Geai Warriors for the eligible amount of \$2,500 exclusive of GST**  
**MOTION CARRIED**

9. **10:23am- 10:39am**                      **OFFICE OF THE CEO – Annual Report**

ACEO spoke to this report; the purpose is this report to present to Council the 2016/17 Annual Report for adoption. In accordance with legislative disclosure requirements of the Local Government Act 2009 and Local Government Regulation 2012, Local Council's must adopt an Annual Report within one month after the day the general purpose financial statements are certified by the Queensland Audit Office (QAO). Council's financial statements were certified by the QAO on 28 September 2016, therefore Council's Annual Report is required to be endorsed at the October 2016 meeting.

Cr Sabatino queried the overseas travel and the approval process – ACEO advised that Council sent two (2) staff to the World Indigenous Legal Conference in 2016. Mayor advised that staff should be reporting back to Council. ACEO confirmed information report was presented to Council. Mayor advised this should be a verbal report.

Cr Lui raised concerns around just Legal staff attending the conference. Cr Lui advised that we should look for opportunities at these events for non-lawyers to attend as they can value-add. ACEO noted that Mayor was scheduled to attend but had to pull out due to operational reasons.

Cr Akiba – page 14 his attendance showed he missed two meetings when he only missed one in July. Staff to follow up.

Cr Elisala – non attendance at 1 meeting.

**ACTION:** Consider including a picture of the Mayor in Mayor's Foreword.

**RESOLUTION**

*Moved:* Cr Bosun; *Second:* Cr Nai

**That Council adopts the 2016/17 Annual Report, subject to the Mayors forward including a picture of the Mayor.**

**MOTION CARRIED**

10. **10:39am – 10:46am**                      **CORPORATE – Advisory Committee**

AEMCS spoke to this report. The purpose of this report is to propose variations to the Terms of Reference of Council's three current advisory committees:

1. Boigu Advisory Committee
2. Dauan Advisory Committee
3. Poruma Advisory Committee

Namely, it is proposed that clause 16 be amended to allow Voting Members to be automatically removed from the Committee if they miss three (3) consecutive meetings, upon written advice from the Chair to the Chief Executive Officer.

ACEO – only applies to communities that do have an advisory committee. You can hold meetings without CEO approval and will be paid for it. It's been budgeted for.

Cr Toby advised that his members hadn't been remunerated for at least one of his meetings. Cr Toby also queried his member's payment for attendance at public meetings. ACEO advised Cr Toby to send him an email and he will follow it up and may need to look at the Terms of Reference.

Cr Lui – asked how other Divisions go about setting up an advisory committee.

**ACTION:** Alleged that members remain unpaid for previous meeting. EMCS to check.

**ACTION:** CEO to consider budgeting for reintroduction of Advisory Committees in 18/19.

**ACTION:** Work with Cr Toby re advertising for vacancy.

**RESOLUTION:**

Moved: Cr Nona Second: Cr Stephen

**That Council approve the variation of the Boigu Advisory Committee Terms of Reference, the Dauan Advisory Committee Terms of Reference and the Poruma Advisory Committee Terms of Reference as presented, effective from 1 January 2018.**

**MOTION CARRIED**

**10:46am – 11:05am – Morning Tea**

**11. 11:05pm – 12:38pm CORPORATE – Planning Scheme Alignment**

AEMCS spoke to this report. This report proposes amendments to the Zenadth Kes Planning Scheme (planning scheme for the Torres Strait Island Regional Council).

The Zenadth Kes Planning Scheme was prepared under the *Sustainable Planning Act* which has now been repealed and replaced with the *Planning Act 2016*.

The Department of Infrastructure, Local Government and Planning (DILGP) has prepared 'alignment amendments' to the Zenadth Kes Planning Scheme.

The amendments, while not mandatory, are intended to assist with effective transition to the *Planning Act 2016* by replacing terminology and making codes more robust for the purposes of development assessment using the new decision rules.

If Council wishes to proceed with the amendments, Council must:

1. Adopt a resolution to make the amendment, and
2. Undertake the gazette notice/public notice in the newspaper.

Templates for these have been provided by DILGP.

**THE AMENDMENTS**

The amendments:

1. Replace references to the *Sustainable Planning Act* with the *Planning Act 2016* and *Planning Regulation 2017* where required.
2. Delete Development Codes for Community Residences, Forestry for wood production and

- Reconfiguring a lot (1 into 2 lots).
3. Replace terminology with terminology used in the new Act, for example:
    - *exempt development* becomes *accepted development*
    - *Self Assessable development* becomes *Accepted subject to requirements*
    - *Assessment Criteria* becomes *Assessment Benchmarks*
  4. Relevant codes as specified in Schedules 6 and 10 of the Regulation prevail over all other components to the extent of the inconsistency.

The amendments are administrative in nature and do not affect the planning intent of the Planning Scheme. We recommend that Council adopt the amendments so that the wording in the Planning Scheme aligns with the current legislation.

Council can nominate the day the amendments will commence (e.g. a future date) OR “in accordance with the date stipulated for the public notice”. The recommendation is to adopt “the date stipulated for the public notice” to allow for uncertainty relating to the publishing of notices in the gazette, given the recent State election and the Christmas shut-down period may delay the gazettal to some degree.

**RESOLUTION:**

*Moved:* Cr Stephen; *Second:* Cr Pearson

***That Council resolve:***

- 1. to make an alignment amendment to the Zenadth Kes Planning Scheme (Planning Scheme for the Torres Strait Island Regional Council) under the Alignment Amendment Rules made by the Planning Minister under section 293 of the Planning Act 2016 for the purpose of aligning terminology with the Planning Act 2016 and making codes more robust for the purposes of development assessment using the new decision rules; and**
- 2. that after preparing the alignment amendment, the amendment will commence in accordance with the date stipulated for the public notice;**
- 3. to direct the CEO to publish a public notice in:**
  - (a) the gazette;**
  - (b) in a newspaper circulating in the Torres Strait Island Regional Council area; and**
  - (c) on the Torres Strait Island Regional Council’s website; and**
- 4. to direct the CEO to give the Chief Executive of the Department of Local Government, Infrastructure and Planning a copy of the public notice and a copy of the alignment amendment.**

**MOTION CARRIED**

12. **11:09am – 11:10am**

**MEETING OF COUNCIL AS TRUSTEE**

**RESOLUTION**

*Moved:* Cr Elisala; *Second:* Cr Kaigey

**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**

13. **11:10am – 11:27am**

**TRUSTEE – CORPORATE – TCHHS Leases**

AEMCS spoke to this report. Torres and Cape Hospital and Health Service (TCHHS) are seeking a 40-year lease to cover its existing health centres, accommodation and proposed extensions in the following communities:

- Poruma
- St Pauls (Moa)
- Masig



- Dauan
- Kubin (Moa)
- Dauan

The upgrades/extensions have a funding deadline. Completion of the funded works within the project timeframe is dependent on the execution of Deeds of Agreement to Lease for these premises, as TCHHS requires secure land tenure to invest in the works.

This report presents the lease proposals for the Trustee's consideration.

- Cr Nai, declared a material personal interest (MPI)
  - MPI details: Cr Nai is on a Hospital Board Member.
  - How the Councillor proposed to deal with the MPI:
- Cr Tamu, declared a material personal interest (MPI)
  - MPI details: Cr Tamu is employed by Queensland Health.
  - How the Councillor proposed to deal with the MPI:
- Cr Bosun, declared a potential conflict of interest (COI)
  - MPI details: Cr Bosun sister is employed by Queensland Health.
  - How the Councillor proposed to deal with the COI:
- Cr Nona, declared a potential conflict of interest (COI)
  - MPI details: Cr Nona's brother and sister are employed by Queensland Health.
  - How the Councillor proposed to deal with the COI:
- Cr Elisala, declared a material personal interest (MPI)
  - MPI details: Cr Elisala family own the land and have a pending compensation claim for leases..
  - How the Councillor proposed to deal with the MPI:
- Cr Kaigey, declared a potential conflict of interest (COI)
  - MPI details: Cr Kaigey's sister is employed by Queensland Health.
  - How the Councillor proposed to deal with the COI:
- Cr Stephen, declared a potential conflict of interest (COI)
  - MPI details: Cr Stephen has family employed by Queensland Health.
  - How the Councillor proposed to deal with the COI:
- Mayor Gela, declared a potential conflict of interest (COI)
  - MPI details: Mayor Gela had family employed by Queensland Health.
  - How the Councillor proposed to deal with the COI:
- Cr Thaiday, declared a conflict of interest (COI)
  - MPI details: Cr Thaiday's brother and sister are employed by Queensland Health.
  - How the Councillor proposed to deal with the COI:
- Cr Akiba, declared conflict of interest (COI):
  - MPI details: His clan stands to gain native title compensation.
  - How the Councillor proposed to deal with the COI – leaves the room and does not vote.

Cr Thaiday wanted to know who holds the current lease. ACEO advises it is currently a Reserve.

Cr Lui raised the issue around the rental amount and how it's calculated. ACEO advised the rent is \$6000 for 1000square metres. We currently have no methodology. Cr Sabatino asked Cr Nona what they are charging at Badu in their role as Trustee. Cr Nona - \$4 per square metre for traditional owners and \$17 per square metre for commercial. Mayor Gela suggested that we work to develop a formula.

#### **ITEM LEFT LYING ON THE TABLE PENDING FORMULA REVISION**

#### **14. 11:27am – 11:30am                      TRUSTEEE - CORPORATE – Hammond NPRIH Lots 105 & 106**

AEMCS spoke to this report. The State of Queensland (Department of Housing and Public Works) is seeking a 40-year lease for new social housing at lots 105 & 106 at Hammond Island. This report presents the lease proposal for the Trustee's consideration.

On 23 June 2010, Council passed a resolution to approve entry into Deed of Agreement to Lease and Deed of Agreement to Construct with respect to any interested division under the *National Partnership on Remote Indigenous Housing*.

The State of Queensland (Department of Housing and Public Works) is seeking a 40-year lease for new social housing over lots 105 and 106 shown on draft survey plan SP302207, at Hammond Island. The draft survey plan is included as **Attachment 1** of this report.

Department of Aboriginal and Torres Strait Islander Partnerships has advised that these two areas were included in the section 24JAA notice previously issued, in the same area that included the 10-lot subdivision – “Area A” – as shown on the overlay.

**ACTION:** EMCS to check why/ when did Qld Health on lama move from Reserve to Lease? EMCS

**RESOLUTION:**

*Moved:* Cr Sabatino *Second:* Cr Pearson

***That pursuant to the Torres Strait Islander Land Act 1991 (Qld), the Trustee grant, subject to native title future act validation, development approval and survey, a standard lease to the State of Queensland (as represented by the Department of Housing and Public Works) over lots 105 and 106 shown on draft survey plan SP302207, at Hammond Island, for Social Housing Purposes and other Government Services Use of and incidental to that purpose.***

**MOTION CARRIED**

**15. 11:30am – 11:43am TRUSTEE – CORPOARTE – Hammond Mini Mart**

Mayor asked Cr Sabatino to give a briefing to Council. Cr Sabatino informed Council he currently holds a 30 yr. lease on the Hammond Mini Mart shop. With Seaswift now as a sole freight provider his community is burdened in his opinion with the costs. IBIS is willing to take on the lease of the shop; however this will need the trustee’s consent to be able to do that. Second option is to close the shop entirely; this will then leave the community with no shop. There are currently three independent stores in the Torres Strait and they can’t compete with the cost.

- Cr Sabatino, declared a MPI.
  - MPI details: Cr Sabatino is the proprietor and current leasee.
  - How the Councillor proposed to deal with the MPI: Cr Sabatino leaves the room at 11:34am and did not vote.

ACEO reads the letter from Cr Sabatino, proposing a lease for 25yrs to IBIS. Legal Manager advised the start date for current lease is 3 June 2014 for 30 years, with Council. There is a precedent set with the Poruma Church sub-lease to the Torres Pilots.

Mayor informs Council, there had been consultation with community and they are happy to have IBIS in the community. Trustee to give them the ability to sublease. The structure will be pulled down and IBIS will build a new one. The shop is a convenient one.

**RESOLUTION:**

*Moved:* Cr Bosun; *Second:* Cr Nona

***That, pursuant to clause 17 of Lease 715803925 between the Trustee and Mario Sabatino (“the Head Lease”), the Trustee consent to a sub-lease between Mario Sabatino (“as Sub-Lessor”) and Community Enterprise Queensland ABN 42 060 262 890 (“as Sub-Lessee”) over the Premises located at 50 Teachers Avenue, Hammond Island and described as Lease C on SP258901 on Lot 91 on SP248418 (formerly Lot 155 on Crown Plan TS172, title reference 21296131), for use as Retail Business and Accommodation services (Commercial Purpose), on terms consistent with the Head Lease.***

**MOTION CARRIED**

**16. 11:43am – 11:43am MOVE OUT OF TRUSTEE**

**RESOLUTION:**

*Moved:* Cr Nai; *Second:* Cr Kaigey  
That Council move out of Trustee.

**MOTION CARRIED**

17. **11:43am – 2:15am**                      **MOVE INTO CLOSED BUSINESS**

**RESOLUTION:**

*Moved:* Cr Elisala; *Second:* 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 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**

- 17.1 CORPORATE - Enterprise Divestment – Fuel Bowser
- 17.2 CORPORATE – Tender - Ugar Helicopter Subsidy
- 17.3 CEO – Audit Committee Membership Appointment
- 17.4 ENGINEERING – MIP6 Project Manager
- 17.5 ENGINEERING – Hammond Wharf Update
- 17.6 FINANCE – Arafura Blue
- 17.7 CEO – Freight and Fuel Contract

18. **2:15pm – pm**                      **MOVE OUT OF CLOSED BUSINESS**

**RESOLUTION**

*Moved:* Cr Nona; *Second:* Cr Kaigey

That Council move out of closed business.

**MOTION CARRIED**

17.1 **CORPORATE - Enterprise Divestment – Fuel Bowser**

**RESOLUTION:**

*Moved:* Cr Lui; *Second:* Cr Sabatino

**OPTION 3:**

That Council resolve to cease negotiations with the following parties regarding divestment of the respective enterprises as, following review and reconsideration, Council intends to operate these enterprises into the foreseeable future under a newly introduced system:

<b>Community</b>	<b>Enterprise</b>	<b>Entity</b>
Boigu	Fuel Bowser	Malu Ki'ai (TSI) Corporation RNTBC or related party
Dauan	Fuel Bowser	Dauanalgal (TSI) Corporation RNTBC or related party
Erub	Fuel Bowser	Ged Erub Trading Homeland Enterprise (TSI) Corporation or related party
Hammond	Fuel Facility	Kirri Foundation
Mabuiag	Fuel Depot	Willie Babia or related party
Poruma	Fuel Bowser	Porumalgal (TSI) Corporation RNTBC or related party
Saibai	Fuel Bowser	Saibai Development (TSI) Corp

**MOTION CARRIED**

**Against:** Cr Thaiday

## **17.2 CORPORATE – Tender - Ugar Helicopter Subsidy**

### **RESOLUTION:**

*Moved:* Cr Stephen; *Second:* Cr Elisala

That, in accordance with the CEO's delegated powers under section 228(8) and (9) of the Local Government Regulation 2012 (Qld), Council delegate all power, financial and otherwise, to the Chief Executive Officer to decide the forthcoming tender for Ugar Helicopter Contract (a large-sized contractual arrangement of three years), and execute agreements and approve purchase orders in accordance with funding agreement/s and adopted budget.

**MOTION CARRIED**

## **17.3 CEO – Audit Committee Membership Appointment**

### **RESOLUTION:**

*Moved:* Cr Stephen; *Second:* Cr Nai

1. That Council renew the services of Mr Eric Muir as Chair of the Torres Strait Island Regional Council Audit Committee pursuant to section 235 (b) of the Local Government Regulation 2012, given the specialised and confidential nature of the services sought, namely independent and objective Audit Committee membership, for a period of 2 years from the date of this resolution.
2. That Council renew the services of Mr Paul Shipperley as member of the Torres Strait Island Regional Council Audit Committee pursuant to section 235 (b) of the Local Government Regulation 2012, given the specialised and confidential nature of the services sought, namely independent and objective Audit Committee membership, for a period of 2 years from the date of this resolution.

**MOTION CARRIED**

## **17.4 ENGINEERING – MIP6 Project Manager**

### **RESOLUTION:**

*Moved:* Cr Akiba; *Second:* Cr Nona

That Council resolves to:

- Award Engineering Consultancy Services Project Management (PM) for Major Infrastructure Program (MIP) Stage 6 to AECOM for Phase A of value \$223,887.57 (ex GST) and Phase B of Value \$348,403.00 (ex GST), where Phase B is 'if ordered' under delegation of the CEO and subject to satisfactory performance of Phase A and resulting scope determined for Phase B delivery.
- 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 subject to normal procurement practices and policies.

**MOTION CARRIED**

## **17.5 ENGINEERING – Hammond Wharf Update**

### **RESOLUTION:**

*Moved:* Cr Nai; *Second:* Cr Stephen

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

- Endorse the quarantine and conditional use of \$200,000 (ex. GST) of own source Council funds to fund potential additional contingency relating to the Hammond Wharf project and rock supply, with the funds being allocated from projected savings in engineering-related projects that form part of the \$6.2M beautification works.

**17.6 FINANCE – Arafura Blue**

**Cr Sabatino declares MPI.**

- MPI details: Shareholder of the company. .
- How the Councillor proposed to deal with the MPI: Cr Sabatino leaves the room at and did not vote.

**RESOLUTION:**

*Moved:* Cr Nona; *Second:* Mayor Gela

**That Council write off Arafura Blue Marine Pty Limited harbour and tonnage dues of \$103,279.78.**

**MOTION LOST**  
**Against: All other Councillors**

**RESOLUTION:**

*Moved:* Cr Thaiday; *Second:* Cr Nai

**That Council pursue the debt against Arafura Blue.**

**MOTION CARRIED**  
**Against: Cr Nona, Mayor Gela**

**17.7 – CEO – Freight and Fuel Contract**

**ACTION:** EMCS – Test pricing of getting fuel supplier to supply to Seaswift and Seaswift cartage only (note this may be a breach of current freight and fuel contract).

**ACTION:** EMCS - That Council seek independent legal advice as to whether or not we are able to subpoena freight source documents for assessing accuracy of mooring and land fee reporting, including but not limited to operator manifests.

**LUNCH Break – 2:20pm – 2:55pm**

**19. 2:55pm – 2:58pmpm Next Ordinary Meeting date**

Date: 16 & 17 January 2018  
Location: Video conference

**20. 2:58pm – 2:59pm Leave in Advance**

The following Councillors applied for leave in advance;

- Cr Gela, Mayor
- Cr Dimas Toby, Division 1 – Boigu Island
- Cr Torenzo Elisala, Division 2 – Dauan Island (on phone)
- 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 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

All Councillors leave in advance granted. Mayor Gela noted there will not be a quorum for the January 2018 meeting, Council will postpone the first meeting of 2018 until February 2018, but if urgent business arises, a Special Meeting will be called and Mayor will contact Councillors directly to advise accordingly.

**21. 2:59pm – 3:13pm Council Meeting Dates for 2018**

**RESOLUTION:**

*Moved:* Cr Levi; *Second:* Cr Pearson

**That Council fix the below dates and times for its Ordinary meetings for 2018**

<b>Time</b>	<b>Day</b>	<b>Month</b>	<b>Type</b>	<b>Location</b>
9.00am	20 & 21	February	Ordinary	Video Conference
9.00am	13 & 14	March	Ordinary	Iama
9.00am	17 & 18	April	Ordinary	Video conference
9.00am	15 & 16	May	Ordinary	Cairns
9.00am	28 & 29	June	Ordinary	Erub
9.00am	17 & 18	July	Ordinary	Mer
9.00am	21 & 22	August	Ordinary	St Pauls
9.00am	18 & 19	September	Ordinary	Video Conference
9.00am	16 & 17	October	Ordinary	Mabuiag
9.00am	20 & 21	November	Ordinary	Cairns
9.00am	11 & 12	December	Ordinary	Poruma

**MOTION CARRIED**

**22. 3:13pm – 3:18pm General Business**

EMFS advised the CEO recently visited all the Divisions in the last week and had promised all TSIRC staff in Division a \$25 store voucher (IBIS/ Island and Cape/ Hammond Mini Mart). An envelope containing the vouchers will be given to those Councillors who are returning to their respective Division after this meeting. EMFS asks if these envelopes be given to their Divisional Managers for them to distribute the vouchers to staff.

**ACTION:** EMCS to ensure a copy of our Annual Report is distributed to all new Ministers.

**Meeting Closed at 3:18pm - Prayer by Cr Pearson**

**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 (via video conference)

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 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 Christ McLaughlin, Executive Manager Corporate Services (EMCS)

Ms Melissa Barmettler, Executive Manager Financial Services (EMFS)

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

Ms Daisy Ketchell, Executive Officer (EO)

Ms Lorna Bowie – Executive Assistant, Engineering Services

Mrs Kathy Cochran – Secretariat Officer (SO)

**Apologies**

Cr Tamu, Division 10 – Warraber Island

**23. 9:00am – 9:05am Opening Prayer and Welcome**

Mayor Gela welcomed everyone and Cr Thaiday opened the meeting in prayer.

Cr Clara Tamu, Division 10 – Warraber Island is on approved leave.

Mayor Gela asked Councillors if they had any disclosure of COI/ MPI. No disclosures.

Mayor Gela sought Councillors approval to allow Cr Fell to attend via teleconference for this meeting. Council approved unanimously.

Mayor Gela asked all staff except the ACEO to leave the room.

**24. 9:05am – 10:30am MOVE INTO CLOSE BUSINESS**

**RESOLUTION**

*Moved:* Cr Kaigey; *Second:* Cr Bosun

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

**(h) Other business for which 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**

**24.1 MAYOR - Notice to Resolution to declare the office of Deputy Mayor Vacant**

**25. 10:30am – 10:30am MOVE OUT OF CLOSED BUSINESS**

**RESOLUTION**

*Moved:* Cr Nai; *Second:* Cr Kaigey

**That Council move out of closed business.**

**MOTION CARRIED**

**24.1 MAYOR - Notice to Resolution to declare the office of Deputy Mayor Vacant**

**RESOLUTION:**

*Moved:* Cr Bosun ; *Second:* Cr Nona

**That pursuant to section 165(3) of the Local Government Act 2009 (Qld), Council resolve to declare the office of the deputy mayor vacant.**

**MOTION CARRIED**

**26. 10:36pm – 10:38am Deputy Mayor Appointment**

ACEO spoke to this report. The purpose of the report is to seek nominations and resolve the Deputy Mayor appointment.

Pursuant to section 165(5) of the *Local Government Act 2009* (Qld), upon declaration that the office of deputy mayor is vacant pursuant to section 165 (3), Council must immediately elect a new deputy mayor.

- o Cr Fell declared a material personal interest (MPI)
  - o MPI details: Cr Fell is the previous Deputy Mayor.
  - o How the Councillor proposed to deal with the MPI: Cr Fell left the room and did not vote.



Mayor Gela called for nominations for the vacant Deputy Mayor position.  
Cr Nai and Cr Sabatino nominated Cr Lui. Cr Lui accepted.

Mayor Gela called for any other nomination. No other nomination received.

**RESOLUTION:**

*Moved:* Cr Nai *Second:* Cr Sabatino

**That in accordance with s165(5) of Local Government Act 2009 (Qld), Council appoint by nomination and resolution, Cr. Lui as Deputy Mayor.**

**MOTION CARRIED**

**NOTATION: Appointment in accordance with Ailan Kastom.**

**10:38am – 10:39am**

Cr Fell rejoined the meeting and Mayor Gela briefed Cr Fell on the outcome of the resolution and the decision around the Deputy Mayor appointment.

**Meeting closed at 10:39am – Closing prayer by Cr Levi**