



**Torres Strait Island**  
REGIONAL COUNCIL

**FEBRUARY 2020**

**MINUTES**

**ORDINARY MEETING**

Tuesday 18 February 2020 09:07am – 5:21pm

Videoconference – VMR #8 – 02 9916 5402

## **Tuesday 18 February 2020**

### **Present**

Cr Fred Gela, Mayor - Kirirri (Kirirri Office)  
Cr Torenzo Elisala, Division 2 – Dauan (Dauan Office)  
Cr Keri Akiba, Division 3 – Saibai (Saibai Office)  
Cr Keith Fell, Division 4 – Mabuiag (Mabuiag Office)  
Cr Laurie Nona, Division 5 – Badu (Badu Office)  
Cr David Bosun, Division 6 – Kubin, Mua Island (Kubin Office)  
Cr John Levi, Division 7 – St Pauls, Mua Island (St Pauls Office)  
Cr Getano Lui Jnr, Division 9 – Iama (Cairns Office)  
Cr Clara Tamu, Division 10 – Warraber (Warraber Office)  
Cr Francis Pearson, Division 11 – Poruma (Poruma Office)  
Cr Ted Nai, Division 12 – Masig (Cairns Office)  
Cr Patrick Thaiday, Division 14 – Erub (Erub Office)  
Cr Bob Kaigey, Division 15 – Mer (Mer Office)  
Mr Bruce Ranga, Chief Executive Officer (CEO) (Kirirri Office)  
Mrs Jan Pool, Chief Operating Officer (COO) (Cairns Office)  
Mr Peter Krebs, Manager Legal Services (MLS) (Cairns Office)  
Mr Luke Ranga, Head of Corporate Affairs and Engagement (HCAE) (Cairns Office)  
Mr George Holland, Head of Engineering (HOE) (Cairns Office)  
Ms Ursula Nai, Senior Executive Assistant (SEA) (Kirirri Office)  
Mrs Kathy Cochran – Secretariat Officer (SO) (Cairns Office)  
Ms Naila Nomoa – Travel Officer (Cairns Office)  
Ms Mette Nordling – Contracts Manager (Cairns Office)

### **Apologies**

Cr Dimas Toby, Division 1 – Boigu  
Cr Rocky Stephen, Division 13 – Ugar  
Ms Hollie Faithfull, Chief Financial Officer (CFO)

1. **9:07am – 9:11am** **Opening Prayer and Welcome**

Mayor Gela welcomed Councillors and Staff to the Ordinary Meeting and thanked them for their attendance. Mayor Gela invited Cr Levi to open the meeting in prayer. Councillors and Staff observed a minute silence in respect of family's grieving during this period.

Mayor acknowledged and paid respect to:

- The traditional owners and elders past and present for the land on which we meet throughout the Torres Strait and Cairns Region.
- Councillors
- CEO and staff

2. **9:11am – 9:17am** **Apologies**

- Cr Clara Tamu, Division 10 – Warraber  
Cr Tamu applied for leave of absence in advance at the January 2020 Ordinary Meeting.  
Cr Tamu is present and will be in attendance for the duration of today's meeting.
- Cr Ted Nai, Division 12 – Masig  
Cr Nai applied for leave of absence in advance at the January 2020 Ordinary Meeting.  
Cr Nai is present however has informed Council he may be required to leave at times during the day.

**RESOLUTION**

*Moved:* Cr Fell; *Second:* Cr Pearson

**That Council accepts the apology from Cr Nai for his absence intermittently during the meeting.**

**MOTION CARRIED**

- Cr Dimas Toby, Division 1 – Boigu  
Cr Toby applied for leave of absence in advance at the January 2020 Ordinary Meeting.

**RESOLUTION**

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

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

**MOTION CARRIED**

- Cr Rocky Stephen, Division 13 – Ugar  
Cr Stephen applied for leave of absence in advance at the January 2020 Ordinary Meeting.

**RESOLUTION**

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

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

**MOTION CARRIED**

- Cr Getano Lui Jnr, Division 9 – Iama  
Cr Lui applied for leave of absence in advance at the January 2020 Ordinary Meeting.  
Cr Lui is present and will be in attendance for the duration of today's meeting.

Mayor Gela informed Council he received notice from the following Councillors they are running late.

- Cr Bob Kaigey, Division 15 – Mer and
- Cr Laurie Nona, Division 5 - Badu

Mayor Gela informed Council of a change to the Agenda – Item 7 HOUSING – Review Long Term Debt Strategy has been removed.

3. **9:17m – 9:24am** **Declaration of Conflict of Interest (COI) or Material Personal Interest (MPI)**

Mayor Gela declared a conflict of interest (COI) for Item 8 – LEGAL – Churches using TSIRC facilities - Report from SARG. Mayor is a member of Goshen Ministry congregation on Hammond Island.

**9:21am** – Mayor Gela welcomes Cr Nona to the meeting.

Cr Levi declared a conflict of interest (COI) for Item 8 – LEGAL – Churches using TSIRC facilities – Report from SARG.

Cr Levi is a Pastor of the Kozan Outreach Ministry at St Pauls, Moa Island

Cr Fell declared a conflict of interest (COI) for Item 8 – LEGAL – Churches using TSIRC facilities – Report from SARG.

Cr Fell is the Branch President of the Church of Latter-Day Saints.

Cr Lui declared a conflict of interest (COI) for Item regarding Strait Support – Shane Lui is Cr Lui's nephew. Mayor informed Cr Lui the report had been removed from the Agenda.

Mayor encouraged Councillors to make their disclosure at any time during the meeting.

4. **9:24am – 9:26am** **Confirmation of December 2019 Ordinary Meeting Minutes**

Amendments:

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Date at the top of page should read "Monday 13<sup>th</sup> January 2020"

**RESOLUTION**

*Moved:* Cr Fell, *Second:* Cr Pearson

**That the minutes of the Ordinary Meeting held in January 2020 with the above amendments, be adopted as a true and accurate record of that meeting.**

**MOTION CARRIED**

5. **9:26am – 9:36am** **Outstanding Strategic Ordinary Meeting Action Item**

CEO provided an update on the five Action Items.

1. Trustee Lease – CPI increase - Close
2. Power to Sewerage Treatment Plant, Mer - Keep as a watching brief
3. Waste Metal Strategy – updated

**ACTION:** Workshop with Council in June/July

4. Register of Preferred Supplier – Close
5. Priority List – top 2 – Cr Fell requested the full list for all fifteen communities.

**ACTION:** COO to follow up the list with CFO and Assets and provide update at March OM.

6. 9:36am – 9:39am Standing Agenda Items: (verbal update)

- TRUSTEE - Undocumented Commercial Land occupation project - No update provided.

Cr Bosun asked about the Transition Action Plan and where we are at with it. Mayor inform Council to park this matter until after Item 21 - LGAQ – Troy Wilde. CEO and team will brief Council.

9:38am – Mayor welcomed Cr Kaigey to the meeting.

7. 9:38am – 11:13am SARG Update

Mayor Gela provided an update on the following SARG items.

1. Coronavirus – Mayor Gela provided an update to Council and a robust discussion was had around closing the Border with the potential risk to our communities and the protection of our people.

**ACTION:** Manager Legal Services to draft a resolution to close the border due to the Coronavirus risks.

2. Housing Funding
3. SARG Member vacancy – Council noted the vacancy. Cr Nai moved from being the Proxy member to a member due to the short time frame remaining before the next Local Government elections.
4. Churches using TSIRC facilities – a report will be tabled for Council’s consideration.

11:13am – 11:39am – Morning Tea Break

Mayor Gela welcomed everyone back to the meeting and invited Manager Legal Services to read out the recommendation for the Coronavirus.

**RESOLUTION:**

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

**That Council resolves that due to the outbreak of the Coronavirus and its concerns of the special vulnerability of the Torres Strait communities, Council will ban all travel of Papua New Guinea Nationals and Torres Strait Islanders under the Torres Strait Treaty and will not sign any permits allowing trade or travel between the Torres Strait and Papua New Guinea, until further notice.**

**Council also calls upon the Australian Government, both State and Federal, to take immediate action to ensure that the Torres Strait communities have all the necessary resources to protect the border, this region, and Australia against the potential Coronavirus risks.**

**MOTION CARRIED**

**ACTION:** Provide a copy of the Resolution to Matt Brodbeck to communicate with the Local Disaster Management Group.

**ACTION:** Team to test communications with Boigu. Head of Corporate Affairs and Engagement to write to the Boigu PBC and communicate the resolution to Boigu Community members.

8. 11:45am – 11:48am FINANCE – Fraud and Corruption Prevention Policy Update

Chief Executive Officer spoke to the report.

**RESOLUTION:**

*Moved: Cr Akiba; Second: Cr Nai*

**That Council adopt the following revised Policy, and publish on its website:**

- **Fraud and Corruption Policy (PO 14)**

**MOTION CARRIED**

9. 11:48 – 11:58am OCEO – Smoke Free Workplace Policy

Chief Executive Officer spoke to the report. Cr Fell raised concerns around the policing of the Policy. Council had a discussion around the policing, signage, identified areas and capturing the Policy in the induction process and e-learning application.

**ACTION:** Head of People and Wellbeing to provide an update to the March OM around procedures on how the Policy is being regulated and managed.

**RESOLUTION:**

*Moved: Cr Nai, Second: Cr Nona*

**That Council adopts the new Smoke Free Workplace Policy to align with current legislative and industry standard practice.**

**MOTION CARRIED**

10. 11:58am – 12:05pm OCEO – Workplace Health and Safety Officer (WHSO) Role

**RESOLUTION:**

*Moved: Cr Thaiday, Second: Cr Nona*

**That council resolves to endorse the repurposing of the Building Maintenance Planner role (existing FTE) for the employment of a Workplace Health & Safety Officer (WHSO).**

**MOTION CARRIED**

11. 12:05pm – 12:36pm OCEO – Remote Housing Funding Methodology

Chief Operating Officer spoke to the report. The purpose of this agenda report is to provide the Councillors and Executive with an overview of the outcome from the Remote Housing Workshop and seek their endorsement of the agreed Funding Allocation Methodology.

Cr Nona asked about the timing of the funds. Council is informed it will be in the 2020/2021 financial period.

Cr Fell asked about 24JAA.

**ACTION:** Manager Legal Service to get feedback from the Commonwealth on the extension timeframe (ie. ten years).

Cr Kaigey asked about abandon houses on Mer of families living in Cairns. Mayor Gela explains the asset ownership and the role of TSIRC and Mer Ged Kem Le.

**ACTION:** Manager Housing to provide Cr Kaigey with information on TSIRC'S role and Mer Ged Kem Le's role around tenancy.

**ACTION:** Tenant Awareness Workshop – Rights, Responsibility and Ownership. (Mindful of Mer and Badu’s position with DOGIT responsibility)

**RESOLUTION:**

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

**That Council endorse the decision of the participating Councils to adopt the funding Methodology.**

**MOTION CARRIED**

12. **12:36pm – 4:05pm** **COUNCIL MOVE INTO CLOSED BUSINESS**

**RESOLUTION:**

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

**That in accordance with section 275 (1) of the Local Government Regulation 2012 (Qld) it is resolved for the meeting to go into closed session to discuss matters of the following nature:**

- a) the appointment, dismissal or discipline of employees; or
- e) contracts proposed to be made by it; or
- h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else or enable a person to gain a financial advantage.

**MOTION CARRIED**

Mayor Gela confirmed with all Councillors that they were alone in their meeting room. Mayor Gela confirmed that the audio recording has ceased.

13. **OCEO – Contractual Matter – Freight Services**

14. **CORPORATE – Register of Prequalified Suppliers for Trade Services**

**1:13pm – 2:04pm – Lunch Break**

15. **CORPORATE – Register of Prequalified Suppliers for Goods, Services and Materials**

16. **ENGINEERING – CEO Delegation during Caretaker Period**

17. **ENGINEERING – Contract – Boigu Seawalls**

18. **ENGINEERING – Metal Waste Implementation Plan**

19. **OCEO – Belcarra Discussion**

20. **LGAQ – Troy Wilde – CEO Review Outcome**

21. **4:05pm – 4:05pm** **COUNCIL MOVE OUT OF CLOSED BUSINESS**

**RESOLUTION:**

*Moved:* Cr Fell; *Second:* Cr Levi

**That Council move out of Closed Business.**

**MOTION CARRIED**

Audio Recording resumed recording meeting for the sole purpose of assisting with preparing meeting minutes.

### **13. OCEO – Contractual matter – Freight Services**

#### **RESOLUTION:**

*Moved:* Cr Fell; *Second:* Cr Nai

#### **That Council:**

- 1. Resolves to increase the Chief Executive Officer's Financial and Contractual delegation in accordance with the *Local Government Act 2009* from \$200,000 to \$1,000,000 to enter into contracts, negotiate, finalise and execute any and all matters in relation to the provision of freight services and fuel supply on a monthly basis expiring 30 June 2020, subject to relevant legislation and in accordance with Council's Procurement Policy and Procedure. and**
- 2. Resolves to apply to the Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs to enter contracts for freight services and fuel supply during the local government election caretaker period.**

**MOTION CARRIED**

### **14. CORPORATE – Register of Prequalified Suppliers for Goods, Services and Materials**

- Cr Getano Lui declared a conflict of interest (COI)
  - COI details: Cr Lui niece is Adam See Kee's wife.
  - How the Council proposed to deal with the COI: Council voted and all in favour for Cr Lui to remain in the room.
- Ms Ursula Nai declared a conflict of interest (COI)
  - COI details: Ursula's brother owns the business - Island Air & Ice
  - How the Council proposed to deal with the COI: Council in favour for Ursula to remain in the room.
- Ms Jan Pool declared a conflict of interest (COI)
  - COI details: Jan Pool's husband is Brian Pool
  - How the Council proposed to deal with the COI: Council in favour for Jan to remain in the room.
- Mrs Kathy Cochran declared a conflict of interest (COI)
  - COI details: Kathy's brother in law and sister's business is Paul Ware Constructions Pty Ltd
  - How the Council proposed to deal with the COI: Council in favour for Kathy to remain in the room
- Cr Clara Tamu declared a conflict of interest (COI)
  - COI details: Cr Tamu's grandchildren's father owns TL Mari Painting Services
  - How the Council proposed to deal with the COI: Council voted and all in favour for Cr Tamu to remain in the room
- Cr David Bosun declared a conflict of interest (COI)
  - COI details: Cr Bosun's nephew's Business is Alby Baira Painting Services
  - How the Council proposed to deal with the COI: Council voted and all in favour for Bosun to remain in the room
- Cr Getano Lui declared a conflict of interest (COI) previously.
  - COI details: Cr Lui's nephew Shane Lui owns the Business – Strait Support
  - How the Council proposed to deal with the COI: Council vote in favour for Cr Lui to remain in the room.



- Cr Fred Gela declared a conflict of interest (COI)
  - COI details: Cr Gela' nephews are business owners of L & G Lawn and Grass Maintenance and Turner Trade
  - How the Council proposed to deal with the COI: Council voted and all in favour for Cr Gela to remain in the room

Mayor Gela delegate the Chair of the meeting to Deputy Mayor Fell due to his COI.

- Cr Laurie Nona declared a conflict of interest (COI)
  - COI details: Cr Nona's brother in law is Kamair Guligo
  - How the Council proposed to deal with the COI: Council voted and all in favour for Cr Nona to remain in the room

**ACTION:** Mr George Holland, Head of Engineering to workshop the long-term waste strategy with Councillors prior to February Ordinary Meeting

**RESOLUTION:**

*Moved:* Cr Nai; *Second:* Cr Fell

**That Council:**

**1. Awards Register of Prequalified Suppliers (ROPS) TSIRC 2019-208 for Trade Services, for a period of one year, commencing 1 April 2020, with two extension options of up to 12 months each available at Council's discretion.**

**2. Delegates 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 arrangement in accordance with Council's Procurement Policy and practices.**

**MOTION CARRIED**

**15. CORPORATE - Contractual Matter – TSIRC 2019-209 – Register of Prequalified Suppliers for Goods, Services and Materials**

- Mrs Kathy Cochran declared a conflict of interest (COI)
  - COI details: Kathy's brother in law and sister's business is Paul Ware Constructions Pty Ltd
  - How the Council proposed to deal with the COI: Council in favour for Kathy to remain in the room
- Cr Getano Lui declared a conflict of interest (COI) previously.
  - COI details: Cr Lui's nephew Shane Lui owns the Business – Strait Support
  - How the Council proposed to deal with the COI: Council voted and all in favour for Cr Lui to remain in the room.
- Cr Ted Nai declared a conflict of interest (COI) previously.
  - COI details: Cr Nai's uncle is a partner in Mirabou Energy
  - How the Council proposed to deal with the COI: Council voted and all in favour for Cr Nai to remain in the room.
- Cr David Bosun declared a conflict of interest (COI)
  - COI details: Cr Bosun's nephew's Business is Alby Baira Painting Services
  - How the Council proposed to deal with the COI: Council voted and all in favour for Bosun to remain in the room
- Cr Fred Gela declared a conflict of interest (COI)
  - COI details: Cr Gela' nephews are business owners of L & G Lawn and Grass Maintenance and Turner Trade

- How the Council proposed to deal with the COI: Council voted and all in favour for Cr Gela to remain in the room

**RESOLUTION:**

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

**That Council:**

1. Awards Register of Prequalified Suppliers (ROPS) TSIRC 2019-209 for Goods, Services and Materials, for a period of one year, commencing 1 April 2020, with two extension options of up to 12 months each available at Council's discretion.
2. Delegates 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 arrangement in accordance with Council's Procurement Policy and practices.

**MOTION CARRIED**

Deputy Mayor Fell hands the Chairing of the meeting back to Mayor Gela.

**16. ENGINEERING – CEO Delegation during Caretaker period**

**RESOLUTION:**

*Moved:* Cr Fell; *Second:* Cr Akiba

**That Council:**

- resolves to increase the Chief Executive Officer's Financial and Contractual delegation in accordance with the *Local Government Act 2009* from \$200,000 to \$10,000,000 to negotiate, finalise and execute any and all matters in relation to approved projects under the Indigenous Councils Critical Infrastructure Program (ICCIP) funding until 30<sup>th</sup> June 2020. This delegation is subject to the approved ICCIP budget and adherence to any relevant legislation as well as Council's Procurement Policy and Procedure.
- and
- resolves to increase the Chief Executive Officer's Financial and Contractual delegation in accordance with the *Local Government Act 2009* from \$200,000 to \$1,500,000 to negotiate, finalise and execute any and all matters in relation to the Smart Meter Installation project during the 2020 Caretaker Period only, subject to relevant legislation as well as Council's Procurement Policy and Procedure.

**MOTION CARRIED**

**17. ENGINEERING – Contract – Boigu Seawalls**

- Cr David Bosun declared a material person interest (MPI)
  - MPI details: Cr Bosun has a Business relationship with Koppens
  - How the Council proposed to deal with the MPI: Cr Bosun choose to leave the room (2:23pm)

**RESOLUTION:**

*Moved:* Cr Fell; *Second:* Cr Pearson

**That Council:**

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

- Award Contract TSIRC2019-203 to Koppens Developments Pty Ltd in the amount of \$13,631,624.95 (GST Exclusive)
- 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 entering contracts under this arrangement.
- Engage AECOM to Project Manage the Construction of Boigu Coastal Defences (Stage 2).

**MOTION CARRIED**

2:39pm Cr Bosun dials in and re-joins the meeting.

Cr Lui commented on Adeah Kabai's report and the work he's doing in the Engineering space. Cr Lui noted how proud he is of Adeah and to have a Torres Strait Islander in this position.

**18. ENGINEERING – Metal Waste Implementation Plan**

**RESOLUTION:**

*Moved:* Cr Kaigey; *Second:* Cr Pearson

**That Council:**

**Adopt the *Metal Waste Implementation Plan*.**

**MOTION CARRIED**

**19. LGAQ - CEO Review Outcome**

**RESOLUTION:**

*Moved:* Cr Fell; *Second:* Cr Pearson

It is recommended that the CEO be assessed as having met the requirements of his performance plan and that regular reviews are undertaken with the areas required for improvement.

**MOTION CARRIED**

**RESOLUTION:**

*Moved:* Cr Nona; *Second:* Cr Fell

That Council adopts the generic performance plan for the period up to 30 June 2020.

**MOTION CARRIED**

**22. 4:15pm – 4:35pm Business Arising from Information Reports**

- **LEGAL – Telstra Tower and red warning light for lama.**

Manager Legal Services spoke to the report and wanted Council to note the report.

- **OCEO – LGAQ Submission**

Provided previously.

- **Letter of Support – Tagai Indigenous Cooperation (TIC)**

Mayor Gela asked if Councillors had any disclosures to make.

- Cr Laurie Nona declared a conflict of interest (COI)
  - COI details: Cr Nona's brother is Bishop Nona
  - How the Council proposed to deal with the COI: Cr Nona chose to leave the room (4:31pm)
  -
- Cr Getano Lui declared a conflict of interest (COI)
  - COI details: Cr Lui is a member of the Church
  - How the Council proposed to deal with the COI: Cr Lui chose to leave the room (4:31pm)
- Cr Torenzo Elisala declared a conflict of interest (COI)
  - COI details: Cr Elisala is a member of the Church
  - How the Council proposed to deal with the COI: Cr Elisala chose to leave the room

After some robust discussion, no motion was put forward.

**ACTION:** Head of Corporate Affairs and Engagement to write to TIC under the Chief Executive Officer's hand, informing them of the outcome of the Council's discussions.

**23. 4:35pm – 4:39pm Next Meeting Date**

Date: 10 and 11 March 2020  
Venue: Video Conference - VMR# 8 – 0299165 402

**24. 4:39pm – 4:42pm Leave in Advance**

The following Councillors applied for leave in advance for the March 2020 Ordinary Meeting;

- Cr Lui
- Cr Nai
- Cr Elisala
- Cr Tamu
- Cr Nona

**25. 4:42pm – 5:17pm General Business**

Councillors raised several issues during General Business. Mr Bruce Ranga, Chief Executive Officer asked for all Councillors to email their issues or concerns via email so they may be distributed to the appropriate Lead Officer for further actioning. All issues will be addressed within designated timeframes and responses sent back to Councillors as required.

Cr Lui, as an Elder, thanked everyone for their work and how it was an honour and privilege for him to have worked with everyone over the past term. Cr Lui said, "Mina big eso for your contribution to people blo umi".

**26. 5:17pm – 5:21pm Closing Remarks**

Mayor Gela thanked everyone for their attendance and reminded Council the Caretaker period will commence from Saturday 22<sup>nd</sup> February and the Caretaker provisions will apply from then.

**Meeting Closed at 5:21pm - Prayer by Mr Luke Ranga, Head of Corporate Affairs and Engagement**



.....  
Bruce Ranga  
Chief Executive Officer  
11/03/2020



.....  
Fred Gela  
Mayor  
11/03/2020