



Torres Strait Island
REGIONAL COUNCIL

MINUTES

ORDINARY MEETING

Tuesday 21 November 2017: 9:00am to 5:05pm
Wednesday 22 November 2017: 9:00am to 3:30pm

Shangri-La Hotel, Cairns

Tuesday 21 November 2017

Present

Cr Fred 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 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

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 Baldwin, Executive Manager Engineering Services (EMES)

Mr John Coyle, Executive Manager Housing Services (EMHS)

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

Ms Daisy Ketchell, Executive Officer (EO)

Ms Lorna Bowie, Senior Executive Assistant (SEA)

Mrs Kathy Cochran – Secretariat Officer (SO)

Apologies

Cr Bosun, Division 6 – Kubin Community at Moa Island

1. **8:55am – 8:57am** **Opening Prayer by Cr Kaigey and Welcome by Mayor**

Mayor Gela - Welcome and Opening Remarks

Mayor Gela, welcomed everyone and acknowledged the traditional owners of the land in which we're meeting and paid respects to elders past, present and future. Deputy Mayor acknowledged Councillors and staff and thanked them for their participation and attendance.

2. **8:57am – 9:06am** **Confirmation of October Ordinary Meeting Minutes**

The following amendments to be made to the 23 October 2017 Ordinary Meeting:-

- Correction – page 3 – Item #2 – “due to due to” should read “due to”
- Correction – page 3 – Item #5 – typo “system15m” should read “system”
- Correction – page 5 – Item #7 – Applicant 1 – Cr Elisala is a member of the “choir” not the dance group.

RESOLUTION

Moved: Cr Levi; *Second:* Cr Pearson

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

MOTION CARRIED

3. **9:00am – 9:06am** **Outstanding Strategic Action**

1. One Boat – Implementation Plan to be prepared at the November Workshop
2. Guest Speaker – Community Survey – November workshop, factsheet to be finalised and distributed to community as soon as possible.
3. Audit – Summary to be provided to Mayor of process so far. Mayor to speak with Minister. Provide detail of cost of external consultancy.
4. Community Survey – Improvement Plan to be developed, implemented and evaluated
5. Pollution from Fly River – Mr John Bottom has been secured to present at the OM November.
6. Fuel and Freight – Tenderers are presenting to Council at the November Workshop

ACTION: SEA to ensure excel version is distributed (unprotected) to facilitate filtering.

4. **9:06am – 9:09am** **Apologies**

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

Cr Bosun submitted an apology at the October meeting, however his absence for this November meeting is due to an Art Exhibition he had planned in advance. No apology was submitted by Cr Bosun at the October meeting for the November meeting. EMCS advised that the circumstances would have to satisfy the definition of ‘reasonable excuse’ as per the remuneration policy procedure. This leave did not satisfy the definition and would need to be taken as leave without pay. Noted that EMCS had explained this to Councillor Bosun via phone over the weekend.

RESOLUTION

Moved: Cr Nai; *Second:* Cr Kaigey

Cr David Bosun, Division 6 – Kubin Community, Moa Island may be granted approved leave for this meeting as leave without pay

MOTION CARRIED

5. 9:10am – 9:15am Declaration of Conflict of Interest (COI) or Material Personal Interest (MPI)

- Cr Sabatino declared a material personal interest (MPI) for Item # 17 – Closed Business – Corporate – Tender TSIRC2017-105 – Sea Freight and Fuel Supply contract (late report).

7. 9:10am - 9:13am CORPORATE – Mer RIBS Surrender

EMCS spoke to this report. At present, a lease from the Mer Gedkem Le (Torres Strait Islanders) Corporation RNTBC to Council for the term of 99 years, commencing on 14 December 2012 and ending on 13 January 2111, exists over Lot 347 on Mer. Clause 6 of the lease provides for the Lots to be surrendered to the Lessor (**Attachment 1**).

- The Mer Gedkem Le (Torres Strait Islanders) Corporation RNTBC and Council's Acting Chief Executive Officer met on 24 November 2016. The Mer Gedkem Le (Torres Strait Islanders) Corporation RNTBC asked if Council had a lease with them over Lot 347 and if Council did, could it be surrendered.
- Lot 347 on SP249793 does not have any Council assets on it and is not used by Council (**Attachment 2**).
- A building exists on Lot 347, however it is not a Council asset and is not used by Council (old RIBS/BRACS building).
- No other interests in Lot 347 are known to Council.
- Council has no operational use for Lot 347 on Mer Island.
- Clause 12.3 of the lease states that the "Lease will terminate if for a period of 5 consecutive years after the Commencement Date the Lessee fails to actively use the Premises for the Purpose."

RESOLUTION

Moved: Cr Kaigey *Second:* Cr Fell

That Council resolve to surrender its lease over the whole of Lot 347 on SP249793 on title reference 50901314, to the Mer Gedkem Le (Torres Strait Islanders) Corporation RNTBC. .

MOTION CARRIED

8. 9:13am – 9:23am FINANCE – Fiscal Governance Policy (amendment)

EMFS spoke to this report. The purpose of this report is to present for adoption the revised Fiscal Governance Policy.

The Fiscal Governance Policy was previously endorsed in June 2017 with an annual review date of June 2018. The Fiscal Governance Policy is not a Statutory Policy (SPO) mandated under the *Local Government Regulation 2012* (Qld).

The Finance Department actions reversals and adjustments to debtor charges where there has been an "administrative error" (admin error). These reversals and adjustments are reviewed on a case-by-case basis by Management Accountant and/or Executive Manager Financial Services.

The current Fiscal Governance Policy delegates authority to nominated Council officers (CEO and EMFS) to write off "bad debt". Unlike administrative errors, bad debt relates to a debt that was correctly charged but which Council is unable to enforce or has decided not to enforce (i.e. deceased debt; unenforceable statute-barred debt; or where debt recovery is not commercially justified).

Administration errors are charges incorrectly charged in the first place.

It is recommended that the Fiscal Governance Policy be revised to provide explicit delegation to reverse or adjust charges based on an "administrative error".

The proposed new content of the policy is as follows:

REVERSALS AND ADJUSTMENTS

The Team Leader Debtors, Management Accountant and Executive Manager Financial Services are delegated authority to approve the reversal of a charge or an adjustment of a charge that is deemed an administrative error.

A charge is an “**administrative error**” where the delegated officer is satisfied that Council has incorrectly levied a charge, for one or more of the following reasons:

- (i) the wrong debtor account and or amount has been charged;
- (ii) GST was charged incorrectly;
- (iii) the charge involved a data keying error (typographical error), for example Council charged \$3,000 instead of \$300, or the narration (description of the charge) requires correction;
- (iv) there is no source documentation or data to substantiate the charge;
- (v) a charge has been duplicated;
- (vi) for a social housing–related charge:
 - A. rent charges were increased without a rent increase notice being served properly;
 - B. rent charges continued after the termination of a tenancy;
 - C. there is no tenancy documentation to substantiate the charge;
- (vii) for local government charges, the debtor was not occupying the land or building and has no legal obligation to pay the charge confirmed by Councils Legal Services.

RESOLUTION

Moved: Cr Nai; *Second:* Cr Fell

That Council adopt the Fiscal Governance Policy (PO 4) as presented.

MOTION CARRIED

9. 9:23am – 9:38am

FINANCE – Councillor Reimbursement Policy

EMFS spoke to this report. The purpose of this report is to present for adoption revised policy SPO 6 - Councillor Expense Reimbursement and Facilities Provision Policy.

This policy was previously endorsed in June 2017 with an annual review date of June 2018. Statutory Polices (SPO) are mandated under the Local Government Regulation 2012 (Qld).

The change proposed provides delegation to the CEO to replace lost, damaged or stolen computers and telecommunications equipment. See extract from revised policy below:

d) Computers and Telecommunication

Council will only provide one mobile phone hand set and one piece of portable IT hardware equipment to a Councillor at the start of their term of office. At the conclusion of the term these items will become the property of the Councillor. Any lost, damaged or stolen items will be the responsibility of the Councillor to replace or repair.

A standard suite of Council software will be provided with each piece of portable IT hardware equipment issued to the Councillor. Any additional software provision and/or installation will be at the discretion of the CEO and must comply with licencing and ICT Standard Operating Environment Procedure.

Any lost, damaged or stolen items will be repaired or replaced by Council at the sole discretion of the Chief Executive Officer, who shall consider the reasonableness of the request.

THIS ITEM WAS PARKED PENDING WORDING FROM EXECUTIVE TEAM

10. 9:38am- 10:47am HOUSING – Policies

EMHS spoke to this report. The purpose of the report is to present to Council for adopt these four new policies;

Housing Complaint Management Policy

Any tenant who is dissatisfied with Council's tenancy management services and/or standards is able to access Council's housing complaint process.

RESOLUTION

Moved Cr Toby; *Second* Cr Nai

That Council adopts Housing Service Department's policies for a period of two (2) years, MOTION CARRIED

Conflict of Interest Policy – tenancy management

Council is committed to ensure that all housing staff make confident, transparent and fair decisions as part of their regular work routine.

RESOLUTION

Moved: Cr Elisala; *Second:* Cr Sabatino

That Council adopts Housing Service Department's policies for a period of two (2) years, subject to:

- **All references to "Housing Staff to "Housing Personnel"**
- **Add Local Government Act as Head of Power**
- **get rid of specific reference to section in the Procedure – as may be superseded".**

MOTION CARRIED

Rent Review Policy

As a social housing provider under the Housing Act 2003, Council shall conduct regular rent reviews or as determined by the Chief Executive Officer, in compliance with the Assistance Agreement with the Department of Housing and Public Works.

RESOLUTION

Moved Cr Nona; *Second* Cr Pearson

That Council adopts Housing Service Department's policies for a period of two (2) years. MOTION CARRIED

Cr Stephen advised that he wishes to change his vote to against for the Housing Policies until such time as he gets a Housing Officer. EMCS advised that repeal of each resolution is necessary to effect this. .

REPEAL: Housing Complaint Management Policy

RESOLUTION

Moved Cr Toby; *Second* Cr Nai

That pursuant to section 262 of the Local Government Regulation 2012 (Qld), Item 10 Housing Complaint Management Policy Resolution made today is repealed.

MOTION CARRIED

REPEAL: Housing Conflict of Interest Policy

RESOLUTION

Moved Cr Elisala; *Second* Cr Sabatino

That pursuant to section 262 of the Local Government Regulation 2012 (Qld), Item 10 Housing Conflict of Interest Policy Resolution made today is repealed.

MOTION CARRIED

REPEAL: Housing Rent Review Policy

RESOLUTION

Moved: Cr Nona; *Second:* Cr Pearson

That pursuant to section 262 of the Local Government Regulation 2012 (Qld), Item 10 Housing Rent Review Policy Resolution made today is repealed.

MOTION CARRIED

Housing policy resolutions then reconsidered.

Housing Complaint Management Policy

Any tenant who is dissatisfied with Council's tenancy management services and/or standards is able to access Council's housing complaint process.

RESOLUTION

Moved: Cr Toby; *Second:* Cr Nai

That Council adopts Housing Service Department's policies for a period of two (2) years,

MOTION CARRIED

Against:

Cr Stephen

Conflict of Interest Policy – tenancy management

Council is committed to ensure that all housing staff make confident, transparent and fair decisions as part of their regular work routine.

RESOLUTION

Moved: Cr Elisala; *Second:* Cr Sabatino

That Council adopts Housing Service Department's policies for a period of two (2) years, subject to:

- All reference to "Housing Staff to "Housing Personnel"
- Add Local Government Act as Head of Power
- get rid of specific reference to section in the Procedure – as may be superseded".

MOTION CARRIED

Against:

Cr Stephen

Rent Review Policy

As a social housing provider under the Housing Act 2003, Council shall conduct regular rent reviews or as determined by the Chief Executive Officer, in compliance with the Assistance Agreement with the Department of Housing and Public Works.

RESOLUTION

Moved: Cr Nona; Second: Cr Pearson

That Council adopts Housing Service Department's policies for a period of two (2) years.

MOTION CARRIED

Against:

Cr Stephen

Abandoned Properties Policy

Council is pro-active in its responses to tenancy management to support tenants but also to ensure compliance with the Act.

RESOLUTION

Moved: Cr Toby; Second: Cr Pearson

That Council adopts Housing Service Department's policies for a period of two (2) years.

MOTION CARRIED

Against:

Cr Stephen and Cr Nona

10:48am – 11:05am – Morning Tea

11. 11:13am – 12:am CORPORATE – House Sale Price and Land Price

EMCS spoke to this report - Under the *Torres Strait Islander Land Act 1991* (Qld) and the *Aboriginal Land Act 1991* (Qld), Council (as Trustee) can make ordinary freehold available, subject to Ministerial approval of a Freehold Instrument. Council (as Trustee) also has the power to grant home-ownership leases of 99 years.

Where a dwelling is situated on the lease or freehold option land, Council is required to notify the chief executive of the Department of Housing and Public Works (“the Department”) of the ordinary freehold application or proposed home-ownership lease. If the dwelling is social housing, ordinary freehold or a home-ownership lease may only be granted if the Department consents to the sale of the social house and a “valuation methodology” is applied.

The trustee must decide the value of the social house using the valuation methodology agreed between the trustee and the Department.

ITEM LEFT LYING ON THE TABLE

ACTION: EMCS (MLS) - Undertake analysis of pricing per State method and other more affordable community options. Consider at the core what our purpose is.

ACTION: EMCS (MLS) – Program Office to be invited to future OM

ACTION: EMCS (MLS) – Consider exemption of Badu and Mer communities (Trustees)

ACTION: EMHS – Obtain comparative price points used by other Trustees

12. 12:36pm – 12:38pm CORPORATE - Dauan Island Subdivision – SP287221

Proposed Survey Plan SP287221 (Attachment 1) has been prepared to create two new lots: lots 701 and 704 on Dauan Island, which were identified under an ILUA for the purpose of social

housing under the National Partnerships Agreement of Remote Indigenous Housing (NPARIH) and future social housing funded programs.

- Proposed Lot 701 (1036m²) will reduce lot 7 from 5198m² to 4162m².
- Proposed Lot 704 (1526m²) will reduce lot 67 from 1585m² to 1271m², as well as reducing balance lot 9.

The Dauan Island CSP (SP270872) was registered on 28 April 2017 (Attachment 2).

At the May 2017 Ordinary Meeting, Council as DOGIT Trustee resolved:

9.2 5:11pm – 5:13pm Dauan SHL NPARIH

RESOLUTION

Moved Cr Elisala; Second Cr Fell

That Council consider the report as tabled and resolve to:

1. That pursuant to the Torres Strait Islander Land Act 1991 (Qld), the Trustee grant, subject to registration of an Indigenous Land Use Agreement, development approval and survey, a standard lease to the State of Queensland (as represented by the Department of Housing and Public Works) over the below Lease areas on SP270872, for Social Housing Purposes and other Government Services Use of and incidental to that purpose, namely: -

Plan/Document number	SP Lot Number	Lot number in ILUA
SP270872	Lot 50	Lot 50
SP270872	Part of Lot 7	Lot 701
SP270872	Part of Lot 9	Lots 704

MOTION CARRIED

Now that the proposed Survey Plan (SP287221) has been prepared for lots 701 and 704, a Council resolution is required for administrative actions incidental to and necessary to facilitate lodgement and registration of SP287221, as stated in the proposed resolution.

RESOLUTION:

Moved: Cr Elisala; Second: Cr Sabatino

That Council:

- **endorse Survey Plan SP287221 (Plan of Lots 7, 701, 9, 67 and 704) which:**
 - **creates lot 701 (1036m²) by reducing lot 7; and**
 - **creates lot 704 (1526m²) by reducing lots 9 and 67; and**
- **work with the Remote Indigenous Land and Infrastructure Program Office (RILIPO) to further subdivide the Dauan Island DOGIT as shown on SP287221; and**
- **consent to any land administration actions incidental to and necessary to facilitate lodgement and registration of SP287221, including but not limited to applying to the Minister responsible for administering the Land Act 1994 for the surrender of part of the Deed of Grant in Trust in terms of section 55 of the Land Act 1994 for the purpose of dedicating those surrendered areas as road pursuant to section 94 of the Land Act 1994, with a total area of 315 ha.**

MOTION CARRIED

13. 12:38am – 12:39am MEETING OF COUNCIL AS TRUSTEE

RESOLUTION

Moved: Cr Elisala; *Second:* Cr Stephen

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

14. 12:39am – 12:40am TRUSTEE - CORPORATE – Dauan Subdivision

Proposed Survey Plan SP287221 (Attachment 1) has been prepared to create two new lots: lots 701 and 704 on Dauan Island, which were identified under an ILUA for the purpose of social housing under the National Partnerships Agreement of Remote Indigenous Housing (NPARIH) and future social housing funded programs.

Proposed Lot 701 (1036m²) will reduce lot 7 from 5198m² to 4162m².

Proposed Lot 704 (1526m²) will reduce lot 67 from 1585m² to 1271m², as well as reducing balance lot 9.

The Dauan Island CSP (SP270872) was registered on 28 April 2017 (Attachment 2).

At the May 2017 Ordinary Meeting, Council as DOGIT Trustee resolved:

9.2 5:11pm – 5:13pm Dauan SHL NPARIH

RESOLUTION

Moved Cr Elisala; *Second* Cr Fell

That Council consider the report as tabled and resolve to:

1. That pursuant to the Torres Strait Islander Land Act 1991 (Qld), the Trustee grant, subject to registration of an Indigenous Land Use Agreement, development approval and survey, a standard lease to the State of Queensland (as represented by the Department of Housing and Public Works) over the below Lease areas on SP270872, for Social Housing Purposes and other Government Services Use of and incidental to that purpose, namely: -

Plan/Document number	SP Lot Number	Lot number in ILUA
SP270872	Lot 50	Lot 50
SP270872	Part of Lot 7	Lot 701
SP270872	Part of Lot 9	Lots 704

MOTION CARRIED

Now that the proposed Survey Plan (SP287221) has been prepared for lots 701 and 704, a Council resolution is required for administrative actions incidental to and necessary to facilitate lodgement and registration of SP287221, as stated in the proposed resolution.

RESOLUTION:

Moved: Cr Elisala; *Second:* Cr Sabatino

That Council:

- ***endorse Survey Plan SP287221 (Plan of Lots 7, 701, 9, 67 and 704) which:***
 - ***creates lot 701 (1036m²) by reducing lot 7; and***
 - ***creates lot 704 (1526m²) by reducing lots 9 and 67; and***

- **work with the Remote Indigenous Land and Infrastructure Program Office (RILIPO) to further subdivide the Dauan Island DOGIT as shown on SP287221; and**
- **consent to any land administration actions incidental to and necessary to facilitate lodgement and registration of SP287221, including but not limited to applying to the Minister responsible for administering the Land Act 1994 for the surrender of part of the Deed of Grant in Trust in terms of section 55 of the Land Act 1994 for the purpose of dedicating those surrendered areas as road pursuant to section 94 of the Land Act 1994, with a total area of 315 ha.**

MOTION CARRIED

15. 12:39pm – 12:40pm MOVE OUT OF TRUSTEE

RESOLUTION:

Moved: Cr Nona; *Second:* Cr Akiba
Council move out of Trustee.

MOTION CARRIED

12:40 – 1:45pm – Lunch

16. 1:45pm – 1:53pm Ergon Power Card

This report is submitted to gauge Council response to the Ergon Energy proposal to install Point Of Sale (POS) Terminals at the following TSIRC divisions:

Retail Outlet Location	Scheduled Installation Date
Boigu Island	17/03/2018
Erub (Damley) Island	21/05/2018
Dauan Island	16/04/2018
Kubin Island	11/12/2017
Mabuiag Island	12/03/2018
Poruma (Coconut) Island	05/02/2018
Saibai Island	19/04/2018
St Paul's Island	04/12/2017
Ugar (Stephen) Island	23/03/2018
Warraber (Sue) Island	14/01/2018
Iama (Yam) Island	08/01/2018

By June 2018 it is Ergon Energy's aim to transition from single use power cards to the new RFID Power Card Credit Management system. The cards contain chips that apply credit to card operated electricity meters at customer premises. The system offers reusable power cards to customers who have previously been purchasing single use cards. The new power cards are intended to be "topped up" by purchasing credit from a Power Card Retail Distributor via a POS terminal. This credit is then transferred into the customer's meter.

The POS terminal is installed at the Retailer's premises for the purpose of applying credit to RFID Power Cards and any ancillary equipment.

RESOLUTION:

Moved: Cr Pearson; *Second:* Cr Nai

That Council resolve to continue to offer RFID Power Card recharges at all Council offices.

MOTION CARRIED

17. 1:53pm – 2:15pm Traditional Visits over the Christmas period

Cr Lui spoke to this report. The Departments and agencies involved in the process of the traditional visit has advised they will be closing down with limited staff for the period from 22 December 2017

to 2 January 2018. They are seeking assistance from TSIRC and their Councillors to put in place a temporary restriction to the traditional movements under the Torres Strait Treaty during that time.

RESOLUTION:

Moved: Cr Lui; *Second:* Cr Tamu

That Council resolve that all prior advices under the Torres Strait Treaty be approved prior to 11 December 2017 for all travel for the period 11-21 December 2017 and 3-11 January 2018. All travel for the period 22 December 2017 and 2 January 2018 shall be suspended by Council.

MOTION CARRIED

ACTION: EMCS – Send a Notice to all Divisional Managers to put up in Community

ACTION: SEA - Send an official notification to Leilani Bin Juda at Department of Foreign Affairs and Trade, Thursday Island

18. 2:15pm – 4:46pm MOVE INTO CLOSED BUSINESS

- Mayor Gela declared a material personal interest (MP) for item – FINANCE – Service and Other Charges Relief
 - MPI details: Mayor Gela's brother is a board member of Ged Erub Trading Homeland Enterprises (TSI) Corporation.
 - How the Councillor proposed to deal with the MPI: Mayor Gela left the room and did not vote.
- Cr Thaiday declared a material personal interest (MPI) for item – FINANCE – Service and Other Charges Relief
 - MPI details: Cr Thaiday is a board member of Ged Erub Trading Homeland Enterprises (TSI) Corporation.
 - How the Councillor proposed to deal with the MPI: Cr Thaiday left the room and did not vote.
- Cr Stephen declared a material personal interest (MP) for item – FINANCE – Service and Other Charges Relief
 - MPI details: Cr Stephen has a close family member on the board of Ged Erub Trading Homeland Enterprises (TSI) Corporation.
 - How the Councillor proposed to deal with the MPI: Cr Stephen left the room and did not vote.
- Cr Lui declared a material personal interest (MP) for item – FINANCE – Service and Other Charges Relief
 - MPI details: Cr Lui has a Cousin on the board of Ged Erub Trading Homeland Enterprises (TSI) Corporation.
 - How the Councillor proposed to deal with the MPI: Cr Lui left the room and did not vote.

2:17pm – 2:45pm Mayor Gela, Cr Thaiday, Cr Stephen and Cr Lui left the room and rejoined when invited back.

RESOLUTION

Moved: Cr Elisala; *Second:* Cr Nai

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

18.1 FINANCE – Service and Other Charges Relief

- 18.2 CORPORATE – Mer Heritage Listing Submission
- 18.3 CORPORATE – Vehicle, Plant and Maintenance Contract Extension
- 18.4 CORPORATE – Tender TSIRC2017-105 – Sea Freight and Fuel Supply Contract
- 18.5 ENGINEERING – Saibai Reservoir Tender Assessment
- 18.6 ENGINEERING – Tender Report for Sustainable Water and Wastewater
- 18.7 ENGINEERING – Sole-source the supply of smart water meters for research trial
- 18.8 ENGINEERING – Urgent Erosion protection work at Poruma

19. 4:46pm – 4:46pm

MOVE OUT OF CLOSED BUSINESS

RESOLUTION

Moved: Cr Elisala; *Second:* Cr Nona
That Council move out of closed business.

MOTION CARRIED

18.1 **FINANCE – Service and Other Charges Relief**

NO MOVER

18.2 **CORPORATE – Mer Heritage Listing Submission**

RESOLUTION:

Moved: Cr Kaigey; *Second:* Cr Nai
That Council resolve:

- (a) not to endorse the proposed National Heritage Listing of the Murray Island Group until consultation with community and Council has taken place at Mer; and
- (b) to advise the Commonwealth Department of the Environment and Energy that further consultation with community and Council at Mer is required.

MOTION CARRIED

18.3 **CORPORATE – Vehicle, Plant and Maintenance Contract Extension**

RESOLUTION:

Moved: Cr Toby; *Second:* Cr Fell
That pursuant to the *Local Government Act 2009 (Qld)* and *Local Government Regulation 2012 (Qld)*, Council resolve to exercise the option to extend the TSIRC 2015-86 Contract for a period of 24 months (2 years) from the expiry of the initial Contract.

MOTION CARRIED

ACTION: EMCS (MPF) Jacob using personal vehicle – should be funded by RFM

ACTION: EMCS (MPF) to talk to Cr Elisala re vehicle defect status at Dauan.

ACTION: EMCS (MPF) – Ugar visits to be confirmed for 2018/19 (alleged they are being cancelled regularly)

18.4 **CORPORATE – Sea Freight and Fuel Supply Contract Tender**

- Cr Sabatino declared a material personal interest (MP) for item – CORPORATE – Sea Freight and Fuel Supply Contract Tender
 - MPI details: Cr Sabatino is a shareholder/ staff member of Arafura Blue.
 - How the Councillor proposed to deal with the MPI: Cr Sabatino left the room and did not vote and/or participate in discussion.

RESOLUTION:

Moved: Cr Nai; *Second:* Cr Fell

That pursuant to the *Local Government Act 2009 (Qld)* and *Local Government Regulation 2012 (Qld)*, Council resolve to award Tender TSIRC 2017-105 Sea Freight and Fuel Supply sole supplier arrangement to Sea Swift Pty Ltd for two (2) years with an option for extension for a further two (2) years, exercisable at Council's discretion by written notice prior to the expiry of the initial two-year term and to 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 into the contract under this arrangement, including but not limited to payment of invoices as and when due.

MOTION CARRIED

Against:

Mayor Gela, Cr Stephen and Cr Thaiday

Mayor Gela requested the reasons for voting against be noted: -

1. Fully support a 2nd provider in the region
2. Local workforce
3. Freight savings have not been passed on to community in past contracts.

Cr Pearson noted that he also wanted to change his vote to against. EMCS advised that a repeal of the decision would be necessary.

REPEAL: CLOSED BUSINESS – CORPORATE – Sea Freight and Fuel Supply Contract Tender

RESOLUTION

Moved: Cr Nai; *Second:* Cr Fell

That pursuant to section 262 of the Local Government Regulation 2012 (Qld), Item 18.4 – CORPORATE - Sea Freight and Fuel Supply Contract Tender made today is repealed.

MOTION CARRIED

18.4 CORPORATE – Sea Freight and Fuel Supply Contract Tender

- Cr Sabatino declared a material personal interest (MP) for item – CORPORATE – Sea Freight and Fuel Supply Contract Tender
 - MPI details: Cr Sabatino is a director of Arafura Blue.
 - How the Councillor proposed to deal with the MPI: Cr Sabatino left the room and did not vote.

RESOLUTION:

Moved: Cr Nai; *Second:* Cr Toby

That pursuant to the Local Government Act 2009 (Qld) and Local Government Regulation 2012 (Qld), Council resolve to award Tender TSIRC 2017-105 Sea Freight and Fuel Supply sole supplier arrangement to Sea Swift Pty Ltd for two (2) years with an option for extension for a further two (2) years, exercisable at Council's discretion by written notice prior to the expiry of the initial two-year term and to 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 into the contract under this arrangement, including but not limited to payment of invoices as and when due.

MOTION CARRIED

Against:

Mayor Gela, Cr Thaiday, Cr Stephen and Cr Pearson

Mayor Gela requested the reason for voting against be noted;

1. Fully support a 2nd provider in the region
2. Local workforce
3. Freight savings have not been passed on to community in past contracts.

18.5 ENGINEERING – Saibai Reservoir Tender Assessment

RESOLUTION:

Moved: Cr Akiba; Second: Cr Elisala

That pursuant to the *Local Government Act 2009 (Qld)* and *Local Government Regulation 2012 (Qld)*, that Council resolve to:

- **Award Tender No. TSIRC 2017-97 for Replacement of Saibai Water Treatment Plant Reservoir to Northern Water for \$317,000.00 (excl. GST) for tank Option 4.**
- **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 into the contract under this arrangement.**

MOTION CARRIED

18.6 ENGINEERING – Tender Report for Sustainable Water and Wastewater Management Plan (Water Scope)

RESOLUTION:

Moved: Cr Nai; Second: Cr Nona

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

- **Award contract TSIRC2017-106 for the Sustainable Water and Wastewater Management Plan - Water Scope to Arup Pty Ltd for \$325,000.00 (ex 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 entering into the contract under this arrangement, and to pay all invoices of and incidental thereto as and when due:**

MOTION CARRIED

18.7 ENGINEERING – Sole source the supply of smart water meter for research trial

RESOLUTION

Moved: Cr Nai; Second: Cr Sabatino

That Council resolve to:

- ***Pursuant to section 235 (b) of the Local Government Regulation 2012 (Qld) and clause 8 of the TSIRC Procurement Procedure, sole source Griffith University to undertake smart water meter data analysis and community engagement at a GST exclusive contract price of \$53,147.00.***

MOTION CARRIED

18.8 ENGINEERING – Urgent Erosion protection work at Poruma

RESOLUTION

Moved: Cr Pearson; Second: Cr Nona

That Council resolve to:

- ***Seek funding from TSRA to enable urgent erosion protection works to be undertaken on Poruma prior to July 2018***
- ***Funding arrangement is such that a staged delivery approach be undertaken to enable planning, design, approvals, consultation and resourcing requirements to be undertaken followed by Construction.***
- ***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 into a funding agreement under this arrangement.***

MOTION CARRIED

9. 9:23am – 9:38am

FINANCE – Councillor Reimbursement Policy

EMFS spoke to this report. The purpose of this report is to present for adoption revised policy SPO 6 - Councillor Expense Reimbursement and Facilities Provision Policy.

This policy was previously endorsed in June 2017 with an annual review date of June 2018. Statutory Polices (SPO) are mandated under the Local Government Regulation 2012 (Qld).

The change proposed provides delegation to the CEO to replace lost, damaged or stolen computers and telecommunications equipment. See extract from revised policy below:

d) Computers and Telecommunication

Council will only provide one mobile phone hand set and one piece of portable IT hardware equipment to a Councillor at the start of their term of office. At the conclusion of the term these items will become the property of the Councillor. Any lost, damaged or stolen items will be the responsibility of the Councillor to replace or repair.

A standard suite of Council software will be provided with each piece of portable IT hardware equipment issued to the Councillor. Any additional software provision and/or installation will be at the discretion of the CEO and must comply with licencing and ICT Standard Operating Environment Procedure.

Any lost, damaged or stolen items will be repaired or replaced by Council at the sole discretion of the Chief Executive Officer, who shall consider the reasonableness of the request.

The words “Any lost, damaged, *superseded*, or stolen items...” to be utilised in the Policy.

RESOLUTION:

Moved: Cr Sabatino; *Second:* Cr Elisala

That Council adopt revised SPO 6 – Councillor Expense Reimbursement and Facilities Provision Policy.

MOTION CARRIED

Meeting Closed at 5:05pm - Prayer by Cr Pearson

Wednesday 22 November 2017

Present

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

Invited Guests:

Mayor Vonda Malone, Torres Shire Council
Mayor Newman, Northern Peninsula Area Regional Council

23. 9:00am – 9:07am Opening Prayer and Welcome

Mayor Gela welcomed and acknowledge the traditional owners of the land in which we meet and paid respects to Elders past, present and future. Mayor Gela welcomed our invited guest Mayor Malone from Torres Shire Council and Mayor Newman from the Norther Peninsula Area Regional Council. Mayor Gela welcomed and introduces Mr Nigel Tillet and his board members, and then asked Councillors and staff to introduce themselves.

24. 9:07am – 10:04am PRESENTATION: Community Enterprise Queensland (IBIS Board) – Chairman, **Mr Nigel Tillet, CEO, **Mr Ian Copeland**, Indigenous Engagement Officer, Mr Leon Yateman. **Mr Michael Aw and Elanor Scott** were also in attendance. Invitation was extended by Mayor Gela to the CEQ Board to update Council on the status of the Merger and future direction of CEQ.**

Mayor Gela thanked Mr Tillet and his board members for their presentation.

10:04am – 10:35am – Morning Tea

25. 10:35am – 10:43am Northern Primary Health Limited – Letter of Support

Mayor Gela spoke to the Council referring to the Deputation by Northern Primary Health Limited (NPH Ltd) at the September Ordinary meeting and their request at the time for a letter of support. Mayor Gela briefly did an overview of how they will conduct their business in our region. Mayor Gela reiterated that the Councillors will be the contact in the first instance and once the Torres Strait Health Cooperation is establishment, NPH Ltd will plug in under the cooperation's umbrella.

All Councillors approved the letter of support.

ACTION: SEA – Draft letter of support for Mayor signature.

26. 10:43am – 11:25am MOVE INTO CLOSED BUSINESS

RESOLUTION

Moved: Cr Nai; *Second:* Cr Akiba

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

27. **10:43am – 12:30am** **PRESENTATION:** Queensland Sentencing Advisory Council – **Ms Marni Manning**, Manager, Research and Statistic.
Addressing Council to help them better understand the complexities of sentencing in Queensland.

12:30pm – 1:45pm – Lunch

28. **1:45pm – 2:58pm** **PRESENTATION:** **Mr Kevin MURPHY and Mr Peter Chaudhry** – who are conducting an Australian Research Council funded project by the Institute of Social Science Research. The research project they are working on is a regional development analysis of the international border region between Australia and Papua New Guinea, also taking into account of the intersecting PNG - Indonesia border and the effects

29. **2:58pm – 3:07pm** **Torres Strait Airstrip upgrade**

CEO informed Council of an email he received from Inspector David Lacey in relation to some funding the Queensland Police Service (QPS) applied for and received from the Federal Government to upgrade five (5) airstrips in the Torres Strait (Saibai, Badu, Masig, Kubin and Lama). After some discussion Mayor Gela with the Councillors support requested the CEO respond requesting further information.

ACTION: CEO to write to Inspector David Lacey requesting the further information.

30. **3:07pm – 3:19pm** **Council Meeting Dates - 2018**

Mayor Gela brought to the attention of Councillors a hand out with the proposed dates for the monthly Ordinary meeting for the 2018 calendar year. He also advised the dates are subject to change due to and depending on other influencing factors in community at the time.

ACTION: EMCS to provide a list of Motel in Cairns to use as preferred accommodation suppliers

ACTION: EMCS to look into Corporate rates for families too and the legal ramifications

ACTION: CEO to arrange car park for all Councillors when we have our next meeting at Shangri-La.

31. **3:19pm – 3:25pm** **Delegation Register – Council to Chief Executive Officer**

EMCS spoke to this report and gave the following background information;

1. At its Ordinary Meeting held on 17 November 2016, the Torres Strait Island Regional Council ("Council") adopted its Instrument of Delegations of Local Government 2016–2017.

2. The powers of Local Government are exercised through its officers, with the principal officer being the Chief Executive Officer. Instruments of Delegation allow certain Local Government powers to be exercised by appropriately qualified local government employees to ensure operational efficiency.
3. A full review of all statutes and regulations affecting local governments has been undertaken by Council's Legal Services Division and King and Co (for and on behalf of the Local Government Association of Queensland) to extract all delegable powers. These powers have been consolidated into the **attached** Instrument of Delegations of Local Government.
4. An update of Instruments of Delegations must occur regularly to ensure exercise of powers according to law.
5. The proposed Instrument of Delegations of Local Government 2017–2018 includes all powers delegated to the Chief Executive Officer.
6. The Instrument of Delegations of CEO 2016–2017 was approved by the CEO on 8 April 2016 and includes all powers sub-delegated to appropriately qualified local government employees. The Instrument of Delegations of CEO 2017–2018 is currently being reviewed and updated. Council adoption is not required.
7. On Wednesday, 15 November 2017, Councillors engaged in a workshop with the Manager of Legal Services to finalise and discuss the Instrument of Delegations of Local Government 2017–2018. The **attached** Instrument of Delegations of Local Government was reviewed by Councillors at that workshop and endorsement provided to proceed to Council resolution.
8. Further workshop(s) are proposed for future review of the Instrument of Delegations of Local Government.

RESOLUTION:

Moved: Cr Tamu; *Second:* Cr Pearson

That pursuant to section 257 and 260 of the Local Government Act 2009 (Qld), Council adopt the Instrument of Delegations of Local Government 2017-2018, as presented.

MOTION CARRIED

32. 3:25pm – 3:25pm Business Arising from Information Report

Cr Sabatino requested and out of session update on the \$400m depreciation.

33. 3:25pm – 3:27pm General Business

No General business.

34. 3:27pm – 3:29pm Leave of Absence in Advance

The following Councillors applied for leave in advance;

- Cr Tamu
- Cr Toby
- Cr Kaigey
- Cr Stephen

Cr Tamu nominated Cr Stephen as Proxy for the 18 December 2017, SARG meeting.

35. 3:29pm – 3:30pm Christmas Function – Councillors

Mayor Gela raised with Council regarding this years Christmas function. He proposed to have one just with Councillors only and another with the Community. He asked that Councillors submit their ideas and suggestions to him via email.

Meeting closed at 3:30pm – Closing prayer by Cr Kaigey