



Torres Strait Island
REGIONAL COUNCIL

MINUTES

ORDINARY MEETING

TUESDAY 16 FEBRUARY-WEDNESDAY 17 FEBRUARY 2016

Please find attached Minutes of the above meeting held on Tuesday 16 February 9:05am-5:32pm,
Wednesday 17 February 9:03am-4:40pm at Torres Strait Island Regional Council, 46 Victoria Parade,
Thursday Island

TUESDAY 16 FEBRUARY 2016

Present

Cr Fred Gela, Mayor
Cr Keith Fell, Deputy Mayor, Division 4 – Mabuiag Island
Cr Dimas Toby, Division 1 – Boigu (via teleconference)
Cr Joel Gaidan, Division 2 – Dauan Island
Cr Ron Enosa, Division 3 – Saibai Island (via videoconference)
Cr Horace Baira, Division 5 – Badu Island
Cr David Bosun, Division 6 – Kubin Community at Moa Island
Cr Toshie Kris, Division 7 – St Pauls Community at Moa Island
Cr Mario Sabatino, Division 8 – Hammond Island
Cr Getano Lui Jnr, Division 9 – Iama Island
Cr Willie Lui, Division 10 – Warraber Island
Cr Phillemon Mosby, Division 11 – Poruma Island
Cr Ted Nai, Division 12 – Masig Island
Cr Rocky Stephen, Division 13 – Ugar Island
Cr Jimmy Gela, Division 14 – Erub Island
Cr William Akee, Division 15 – Mer Island
Ms Dania Ahwang, Chief Executive Officer (CEO)
Mr Chris McLaughlin, Executive Manager Corporate Services (EMCS)
Mr David Baldwin, Executive Manager Engineering Services (EMES)
Ms Katherine Wiggins, Manager Performance & Advocacy (MPA)
Ms Daisy Ketchell, Executive Officer (EO)
Ms Helen Tarrant, Executive Assistant (EA)
Ms Jessica Cox, Travel and Administration Officer (TAO) (Minutes)

Apologies

Mr David Abednego, Executive Manager Community Services (EMCoS)
Ms Melissa Barmettler, Executive Manager Financial Services (EMFS)

1. **9:05am-9:08am** **Opening Prayer and Welcome**

Cr Fell opened the meeting in prayer.

One minute's Silence

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

Mayor's Welcome and Opening Remarks

Mayor Gela acknowledged the traditional owners of the land, the Kaurareg families.

2. **9:08am-9:12am** **Apologies**

RESOLUTION

Cr Enosa – Attend via videoconference

RESOLUTION

Moved Cr Bosun, Seconded Cr J Gela

That Council accepts the apology from Cr Enosa for his absence at this meeting as he is hosting Minister Scullion on Saibai today and approves his request to attend via videoconference.

MOTION CARRIED

RESOLUTION

Cr Toby – Attend via teleconference

RESOLUTION

Moved Cr Kris, Seconded Cr Sabatino

That Council accepts the apology from Cr Toby for his absence at this meeting and approves his request to attend via teleconference.

MOTION CARRIED

3. **9:12am- 9:26am** **Confirmation of January 2016 Minutes**

Cr Sabatino requested a revision to the Closed Business Badu and Hammond Subdivision Works (late report) resolution on pp 15 of the minutes as he did not feel the resolution adequately captured the discussion regarding 'best and final offer'. There was no intention for the tenderer to retender.

Cr Toby joined meeting at 9.17am via teleconference

Action Item

Minutes of the January 2016 Ordinary meeting be amended and remove the phrase "confirming financial profitability" from the resolutions.

Cr Toby left meeting at 9.23am

Discussion was raised regarding profitability margins for Council's Building Services works. CEO advised discussion to take place next week during the Executive Planning Session regarding setting a profitability margin.

RESOLUTION

Moved Cr J Gela, Seconded Cr Akee

That the minutes of Ordinary meeting held January 2016 be adopted as true and accurate.

MOTION CARRIED

4. **9:26am-9:36am** **Confirmation of February 2016 Special Meeting Minutes**

The Mayor requested that the minutes be amended for accuracy.

Action Item

That the Special meeting minutes be amended to include the mover's initial on the last page, that is, 'Moved Cr G Lui' and to record the time the CEO left the meeting.

Cr Toby rejoined the meeting at 9.31am

RESOLUTION

Moved Cr Sabatino, Seconded Cr Baira

That the minutes of the Special meeting held February 2016 be adopted as true and accurate.

MOTION CARRIED

5. **9:36am-9:55am** **Closed Business**

All Councillors and CEO confirmed their confidentiality and other staff left the room.

RESOLUTION

Moved Cr Nai, Seconded Cr Sabatino

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

(a) The appointment, dismissal or discipline of employees.

MOTION CARRIED

RESOLUTION

Moved Cr Bosun, Seconded Cr Gaidan

That Council move out of closed business.

MOTION CARRIED

6. **9:55am-10:04am** **Action Item Summary From January 2016 Meeting**

Previous Action Item 13.3 – Trust Account Report

Cr Baira requested an update. The CEO advised the EOI would be re-advertised for Community based organisations to manage funeral and community funds. The Trust Fund account would require an update from the EMFS. The Mayor requested that this be prioritised.

Action Item

EMFS to prioritise body of work required around Trust Fund.

Cr Toby queried the housing debt statute. The CEO responded that a response had yet to be received from the Minister. Caretaker may prevent further action on this matter until post-election.

Previous Action Item 19.15 – Rainwater Tank Program

Cr Akee requested an update. CEO advised GMBSU would liaise directly with Cr Akee out of session.

Action Item

GMBSU to liaise directly with Cr Akee to provide an update regarding the rainwater tank program.

Cr Sabatino requested that a timeframe was provided for action item completion.

Action Item

MPA to sort Action Item summaries by region and division and to include a timeframe for completion.

Previous Action Item 19.7 – Mechanical Services

Cr Enosa requested an update. EMCS advised item referred to mechanic and Council waiting on a response.

Action Item

EMCS to liaise with Manager Procurement and Fleet to follow up Air-conditioning servicing by contract mechanics action item and provide an update to Cr Enosa.

7. 10:04am-10:16am Enterprise Divestment

EMCS presented the report to Council regarding the inclusion of Mer Rural Transaction Centre on the Divestment List, as requested by Cr Akee.

EMCS noted Council might also consider the alternative of reverting ownership to Mer Gedkem Le.

Cr Baira queried why the asset, if incomplete, is listed as an enterprise. EMCS advised the building was open for enterprise divestment.

Mayor Gela queried Cr Akee whether interest in the enterprise existed within the Mer community. Cr Akee confirmed interested parties identified.

EMCS advised the decision today, and ultimately the divestment, was subject to PBC and traditional owner approval. Council would leave the matter laying on the table subject to meeting with Mer Gedkem Le and Cowley family.

RESOLUTION

That Council include Mer Rural Transaction Centre on the Enterprise Divestment List and seek expressions of interest for the divestment of the Mer RTC on an “as is, where is” basis.

Matter left laying on table

Cr Kris left the room at 10.10am

8. 10:16am-10:23am Ugar Island Community Survey Program

EMCS presented the report to Council, noting the matter had been left laying on the table at the December Ordinary Meeting subject to information being received from DATSIP.

Cr Stephen identified NPARIH project as only capturing half of Lot 13. CEO advised the matter had been discussed with the PBC Chair and Traditional Owners who agreed the ILUA boundary would remain the same. CEO advised of plans to potentially turn remainder of Lot into a Community Garden.

RESOLUTION

Moved Cr Stephen, *Seconded* Cr J Gela

That Council:

- endorse Survey Plan SP282706;
- work with the Remote Indigenous Land and Infrastructure Program Office (RILIPO) to subdivide the Ugar Island DOGIT as shown on SP282706; and
- consent to any land administration actions incidental to and necessary to facilitate lodgement and registration of SP282706, including but not limited to applying to the Minister responsible for administering the Land Act 1994 (QLD) for the surrender of part of the Deed of Grant in Trust in terms of section 55 of the Land Act 1994 (QLD) for the purpose of dedicating those surrendered areas as road pursuant to section 94 of the Land Act 1994, with a total area of 1.1114ha.

MOTION CARRIED

9. **10:24am-10:25am Kubin Community, Moa Island Community Survey Program**

EMCS presented the report to Council for subdivisions of a DOGIT for the Community Survey Program.

Cr Kris entered the room at 10.25am

RESOLUTION

Moved Cr Bosun, Seconded Cr Baira

That Council:

- endorse Survey Plan SP271019
 - work with the Remote Indigenous Land and Infrastructure Program Office (RILIPO) to subdivide the Kubin Community DOGIT as shown on SP271019; and
- consent to any land administration actions incidental to and necessary to facilitate lodgement and registration of SP271019, including but not limited to applying to the Minister responsible for administering the Land Act 1994 (QLD) for the surrender of part of the Deed of Grant in Trust in terms of section 55 of the Land Act 1994 (QLD) for the purpose of dedicating those surrendered areas as road pursuant to section 94 of the Land Act 1994, with a total area of 9622 m2.

MOTION CARRIED

10. **10:25am-10:26am St Pauls Community, Moa Island Community Survey Program**

EMCS presented the report to Council for endorsement of St Pauls Community Survey Program, including any Katter lease entitlements.

Cr Kris confirmed resolution for 13 x 14 lots.

RESOLUTION

Moved Cr Kris, Seconded Cr Bosun

That Council:

- Endorse Survey Plan SP256048
- Work with the Remote Indigenous Land and Infrastructure Program Office (RILIPO) to subdivide the St Pauls Community DOGIT as shown on SP256048; and
- Consent to any land administration actions incidental to and necessary to facilitate lodgement and registration of SP256048, including but not limited to applying to the Minister responsible for administering the Land Act 1994 (QLD) for the surrender of part of the Deed of Grant in Trust in terms of section 55 of the Land Act 1994 (QLD) for the purpose of dedicating those surrendered areas as road pursuant to section 94 of the Land Act 1994, with a total area of about 18,7455ha.

MOTION CARRIED

11. **10:27am-10:35am Development Application – Hammond – DATSIP – Reconfiguration of a Lot into 130 Lots**

EMCS presented the report to Council for the creation of a lease exceeding 10 years, converging 22 lots into 130 lots of land on Hammond Island. EMCS confirmed the application to include five social housing lease lots.

Cr Sabatino queried whether the resolution allows for new constructions under s24JAA.

RESOLUTION

Moved Cr Sabatino, Seconded Cr Nai

That Council issue a Development Permit for 'Reconfiguration of a Lot' with the inclusion of the following conditions:

1. *The proposed development is to be undertaken in accordance with the following approved drawings SP248418 Plan of Lots 2-6, 8, 10-12, 16-20, 22-30, 35,38-40, 42-52, 58-64, 66-128 & 155, cancelling Lot 155 on TS172 & Lots 8 & 18 on PLD559 AND Plan of Lots 1, 7, 9,13-15, 21, 31-34, 36-37, 41, 53-57 & 65 being a resurvey of Lots 1, 7, 9, 13-15, 21, 31-34, 36-37, 41, 55-57, & 65 on PLD559, Lot 53 on CP903337 & Lot 54 on SP231378, cancelling Lots 1, 7, 9, 13-15, 21, 31-34, 36-37, 41, 55-57 & 65 on PLD559, Lot 53 on CP903337 & Lot 54 on SP231378', Sheets 1 to 18, by Bass Surveying Pty Ltd.*

Subject to any alterations:

- a) *found necessary by Chief Executive Officer at the time of examination of drawings or during construction of the works because of particular engineering or cultural requirements and to ensure the works comply in all respects with the requirements of FNQROC Development Manual and good engineering practice; and*
 - b) *to comply with project specific conditions.*
2. *All works must be carried out in accordance with the approved plans, conditions and specifications, to the requirements and satisfaction of the Chief Executive Officer.*
 3. *This approval is valid for four (4) years. A plan of survey must be lodged with Council for endorsement within this time, otherwise the approval will lapse.*
 4. *The applicant is responsible for the cost of providing any necessary services to the proposed lease area.*
 5. *The minimum Habitable Floor levels of all new dwellings must be above the Defined Storm Tide Event (being HAT+2.0m),*
 6. *Any redevelopment of built structures in the erosion prone area within a coastal management district should avoid intensifying the use of the premises or where intensification is proposed (i.e. increases accommodation capacity) mitigate the erosion threat to the development and give regard to design and construction standards.*
 7. *New structure footprint should be placed as far landward as practicable and:*
 - a) *should not be placed further seaward of the pre-existing structure; or*
 - b) *for vacant blocks, should not be placed further seaward of adjacent housing; and*
 - c) *new houses should be built with habitable floor levels above the defined storm tide event (DSTE) which is equal to highest astronomical tide (HAT) + 2.0m and includes an allowance for storm surge and wave run-up and 0.8m for future sea level rise.*

This is to avoid an increase in the exposure of people and permanent structures to coastal hazard impacts.
 8. *Coastal vegetation should be retained between the structure footprint and tidal water to buffer the future proposed dwellings from coastal hazard impacts.*
 9. *All referral Agency Conditions must be complied with.*
 10. *Subject to inclusion of subdivision under 24JAA*

MOTION CARRIED

12. **10:35am-10:36am** **Development application – Warraber – DATSIP –
Reconfiguration of a Lot into 104 Lots**

EMCS presented the report to Council.

RESOLUTION

Moved Cr W Lui, Seconded Cr J Gaidan

That Council issue a Development Permit for 'Reconfiguration of a Lot' with the inclusion of the following conditions:

1. *The proposed development is to be undertaken in accordance with the following approved drawings SP270859 dated 29 June 2015.*

Subject to any alterations:

- a) *found necessary by Chief Executive Officer at the time of examination of drawings or during construction of the works because of particular engineering or cultural requirements and to ensure the works comply in all respects with the requirements of FNQROC Development Manual and good engineering practice; and*
 - b) *to comply with project specific conditions*
2. *All works must be carried out in accordance with the approved plans, conditions and specifications, to the requirements and satisfaction of the Chief Executive Officer.*
 3. *This approval is valid for four (4) years. A plan of survey must be lodged with Council for endorsement within this time, otherwise the approval will lapse.*

MOTION CARRIED

13. **10:36am-10:45am** **Development Application – Mabuia Lease H**

EMCS presented the report to Council. Cr Fell queried whether the PBC had been included in discussions from the outset. EMCS advised PBC and Native Title discussions completed or near completion. Further, EMCS advised development applications always subject to Native Title approval.

Cr Fell advised current PBC may not be aware of discussions.

EMCS agreed to include 'subject to Native Title approval' within the resolution.

Cr Baira declared a potential Conflict of Interest.

Cr Nai declared a potential Conflict of Interest.

Cr Fell was uncomfortable moving this resolution until discussions with the PBC Chair had taken place and requested that the matter be left laying on the table.

RESOLUTION

That Council issue a Development Permit for 'Reconfiguration of a Lot' with the inclusion of the following conditions:

1. *The development must be carried out generally in accordance with the following plan:*
 - a) *Survey Plan Number SP277161, titled 'Plan of Lease H in Lot 2 on SP242990'*

Subject to any alterations:

- b) found necessary by Chief Executive Officer at the time of examination of drawings or during construction of the works because of particular engineering or cultural requirements and to ensure the works comply in all respects with the requirements of FNQROC Development Manual and good engineering practice; and*
 - c) to comply with project specific conditions*
2. *All works must be carried out in accordance with the approved plans, conditions and specifications, to the requirements and satisfaction of the Chief Executive Officer.*

This approval is valid for four (4) years. A plan of survey must be lodged with Council for endorsement within this time, otherwise the approval will lapse.

3. *The applicant is responsible for the cost of providing any necessary services to the proposed lease area.*
4. *The Lease area is to be connected to water, sewer, power and telecommunications to the satisfaction of the Chief Executive Officer. The cost of these connections is to be borne by the applicant.*
5. *DA permit shall be subject to registration of an Indigenous Land Use Agreement with the National Native Tribunal.*

Matter left Laying on Table

Cr Fell blessed the Morning Tea
10:45am-11:15am Morning Tea

14. **11:15am-11.23am** **Meeting as Trustee**

RESOLUTION

Moved Cr Baira, Seconded Cr J Gela

That in accordance with Section 83 of 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

14.1. 11:16am-11:17am Ugar Island Community Survey Program

EMCS presented the report to Council.

RESOLUTION

Moved Cr Stephen, Seconded Cr Gaidan

That Council:

- *endorse Survey Plan SP282706;*
- *work with the Remote Indigenous Land and Infrastructure Program Office (RILIPO) to subdivide the Ugar Island DOGIT as shown on SP282706; and*
- *consent to any land administration actions incidental to and necessary to facilitate lodgement and registration of SP282706, including but not limited to applying to the Minister responsible for administering the Land Act 1994 (QLD) for the surrender of part of the Deed of Grant in Trust in terms of section 55 of the Land Act 1994 (QLD) for the purpose of dedicating those surrendered areas as road pursuant to section 94 of the Land Act 1994, with a total area of 1.1114ha.*

MOTION CARRIED

14.2. 11:17am-11:18am Kubin Community, Moa Island Community Survey Program

EMCS presented the report to Council.

RESOLUTION

Moved Cr Bosun, Seconded Cr Baira

That Council:

- *endorse Survey Plan SP271019*
- *work with the Remote Indigenous Land and Infrastructure Program Office (RILIPO) to subdivide the Kubin Community DOGIT as shown on SP271019; and*
- *consent to any land administration actions incidental to and necessary to facilitate lodgement and registration of SP271019, including but not limited to applying to the Minister responsible for administering the Land Act 1994 (QLD) for the surrender of part of the Deed of Grant in Trust in terms of section 55 of the Land Act 1994 (QLD) for the purpose of dedicating those surrendered areas as road pursuant to section 94 of the Land Act 1994, with a total area of 9622 m².*

MOTION CARRIED

14.3. 11:18am-11:21am St Pauls Community, Moa Island Community Survey Program

EMCS presented the report to Council.

Cr Toby joined meeting at 11.21am

Cr Sabatino requested clarity regarding whether Kubin or St Pauls own the roads outlined in the report. EMCS advised the roads are under St Pauls DOGIT.

RESOLUTION

*Moved Cr Kris, Seconded Cr Baira
That Council:*

- *endorse Survey Plan SP256048*
- *work with the Remote Indigenous Land and Infrastructure Program Office (RILIPO) to subdivide the St Pauls Community DOGIT as shown on SP256048; and*
- *consent to any land administration actions incidental to and necessary to facilitate lodgement and registration of SP256048, including but not limited to applying to the Minister responsible for administering the Land Act 1994 (QLD) for the surrender of part of the Deed of Grant in Trust in terms of section 55 of the Land Act 1994 (QLD) for the purpose of dedicating those surrendered areas as road pursuant to section 94 of the Land Act 1994, with a total area of about 18.7455 ha.*

MOTION CARRIED

RESOLUTION

*Moved Cr Baira, Seconded Cr Akee
That Council reconvene as Local Government.*

MOTION CARRIED

15. 11:24am-11:25am Development Application – Saibai Lease W

Cr Baira declared a potential Conflict of Interest.

Cr Nai declared a potential Conflict of Interest.

RESOLUTION

Moved Cr Enosa, Seconded Cr J Gela

That Council issue a Development Permit for 'Reconfiguration of a Lot' with the inclusion of the following conditions:

1. *The development must be carried out generally in accordance with the following plan:*
 - a. *Survey Plan Number SP276432, titled 'Plan of Lease W in Lot 3 on TS157' subject to any alterations:*
 - b. *found necessary by Chief Executive Officer at the time of examination of drawings or during construction of the works because of particular engineering or cultural requirements and to ensure the works comply in all respects with the requirements of FNQROC Development Manual and good engineering practice; and*
 - c. *to comply with project specific conditions*
2. *All works must be carried out in accordance with the approved plans, conditions and specifications, to the requirements and satisfaction of the Chief Executive Officer.*
3. *This approval is valid for four (4) years. A plan of survey must be lodged with Council for endorsement within this time, otherwise the approval will lapse.*
4. *The applicant is responsible for the cost of providing any necessary services to the proposed lease area.*
5. *The Lease area is to be connected to water, sewer, power and telecommunications to the satisfaction of the Chief Executive Officer. The cost of these connections is to be borne by the applicant.*

MOTION CARRIED

16. **11:25am-12:27pm** **Closed Business**

RESOLUTION

Moved Cr Stephen, Seconded Cr Kris

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

(c) The local government's budget; 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

Closed Business

RESOLUTION

Moved Cr Kris, Seconded Cr Akee

That Council move out of closed business.

MOTION CARRIED

16.1 **11:25am-11:33am** **Debtor Write-Off**

RESOLUTION

Moved Cr Kris, Seconded Cr Gaidan

That Council endorse write-off of \$61,205.86 of deceased debtors.

MOTION CARRIED

16.2 **11:33am-11:49am** **TSIMA Licensing**

RESOLUTION

Moved Cr Sabatino, Seconded Cr J Gela

That Council resolve to:

1. Renegotiate the commercial licensing arrangements with TSIMA for RIBS facilities at Council owned buildings by review of each installation to minimize licensed area to TSIMA; and
2. Delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to negotiate, finalise and executive any and all matters associated with entering into the contract under this arrangement.

MOTION CARRIED

Cr Toby joined meeting at 12:21pm

12:29pm-1:50pm Lunch Break

17. **1:51pm-3:10pm** **Operational Plan Review Q2 2015-16 and Business Arising from Information Reports**

Office of CEO projects and updates

CEO presented the Operational Plan including projects, stakeholder engagement, advocacy, infrastructure upgrades and refreshers, economic development, policies and procedures and the Transitional Action Plan.

Mayor Gela queried the progress of the Poruma stadium project. CEO advised funding lost and Council now funding the project.

Mayor Gela requested the inclusion of Hammond Head Office as part of the Transitional Action Plan, as per Strategic Advisory Reference Group (SARG) discussions.

Action Item

CEO to detail Hammond Head Office, including Thursday Island-based offices, in the Transitional Action Plan within the Operational Plan.

Mayor Gela queried the progress of the St Pauls sports stadium project. CEO advised Council looking at revised scope of works, or an alternative.

Health and Community Services Department

CEO presented the projects and updates for the Health and Community services department, covering Consumer Directed Care, Childcare, Healthier Happier Workplaces, Health and Lifestyle, Pest Control, Horse control, Indigenous Knowledge Centres and Housing.

CEO advised draft Pest Management strategy out for comment.

Mayor Gela queried the food awareness accreditation process. CEO advised training and awareness to local community being provided. Further, CEO advised Council aiming towards gaining accreditation.

CEO advised Healthier Happier Workplaces variation to funding denied and project life outdated.

Health and Community Services funding was discussed. CEO advised funding to cease July 2016, with Council to look at options for funding the program in future.

Action Item

CEO to include Torres Strait Housing Authority in 2016/17 Operational Plan.

The Mayor noted the current Local Government discussion is centred on sustainability. Is Council doing too much? We need to review our core business and community services portfolio. We need to raise revenue or we will receive a directive from the Minister of the day saying we should not be in the housing space. We need to be proactive and start thinking about what a Torres Strait owned and managed entity would look like

Finance Department

CEO presented the projects and updates for the Finance department, including the financial sustainability of Council and Debt Recovery projects.

Engineering Department

EMES presented the projects and updates for the Engineering department including water and sewerage, engineering infrastructure and staff and system development in management and operations.

EMES provided updates on the Seawalls projects, noting 100m of the Saibai seawall constructed. EMES discussed budget constraints in regards to the Boigu and Poruma Seawall projects.

EMES noted funding awarded for Mer and Badu pump station refurbishment/upgrades.

Cr Kris requested the inclusion of funding figures below project updates in the future.

Action Item

Executive Managers to include funds below project updates in future Operational Plan reviews.

EMES advised Mer, Erub, Masig, Poruma and Warraber next for airstrip line marking.

EMES discussed the Dauan Pontoon redesign and repair, noting insurance claim outcomes holding up works. Further discussion was had around the Dauan Ferry.

Cr Gaidan blessed the Afternoon Tea
3:10pm-3:30pm Afternoon Break

EMES discussed Saibai Airport Fencing relocation, noting the current fence is not meeting requirements and needs to be extended further out.

EMES advised Hammond Wharf project picked up since Operational Plan completed.

Cr J Gela requested update on Kemus Bay Road.

Action Item

EMES to review status and update Cr J Gela on Kemus Bay Road.

Cr Fell noted the identification of wells in each community and queried the reason behind them not being in use given the current water shortages across the region.

Action Item

EMES to investigate and review the use of Wells in each community as back-up water supplies.

Building Services Unit

CEO presented the projects and updates for the Building Services Unit including the provision of R&M and Capital Updates works/services to both Council's social housing asset and building infrastructure stocks. This includes upgrades to existing buildings, repairs and maintenance to existing buildings.

Action Item:

Cabinet and Truss Works to be added to 2016/17 Operational Plan and Budget

Cr Kris requested update on Rural and Remote house construction in St Pauls Community.

Action Item

CEO to provide response directly to Cr Kris noting why construction has not begun on Rural and Remote house in St Pauls Community.

Corporate Services Department

EMCS presented the projects and updates for the Corporate Services department.

EMCS discussed Council's insurance tender, the Draper Street office relocation and Freehold Pilot program.

EMCS noted land transfers as Corporate Services current top priority. EMCS discussed the Community Survey Program (Boigu and Mer remaining), Asset Management Plans (Report at the March Council Meeting), Asbestos containment works (Final quotes to be received), Corporate travel (ongoing with a focus on increasing awareness), staff satisfaction surveys (rolled out on 15 February) and the roll out of new corporate uniforms (first batch received 16 February).

Action Item

MPA to re-send ratings factsheet to Councillors

Mayor Gela discussed IBIS' EOI in taking up petroleum distribution within Torres Strait communities and noted his position on their Board.

Action Item

EMCS to investigate the benefit of handing over petrol distribution to IBIS.

18. **4.41pm – 5.00pm** **General Business**

18.1 *Kubin Divestment*

Cr Bosun requested an update on divestment for Kubin.

Action Item

EMCS to email Cr Bosun out of session as a priority.

18.2 *Kubin Guesthouse*

Action Item

EMCS to provide an update to Cr Bosun on Kubin guesthouse, noting budget has not been allocated.

18.3 *Torres Strait flag raising ceremony*

Cr Kris discussed an inaugural Torres Strait flag raising ceremony at a Perth school, noting Council would be unable to provide fund. Ceremony takes place on 10 June and he has been invited to attend. Will email Councillors out of session with further details regarding this important event.

18.4 *Iama Basketball Court*

Cr G Lui discussed the engagement of community members by contractors working on the Iama basketball court project. Young members of the community were advised they could assist but would not be paid for their efforts. CEO noted there was no IEOP in place. CEO would discuss further with the building team and provide a response to Cr G Lui out of session.

Action Item

CEO to investigate level of input Iama community can have with contractors on the basketball court project.

18.5 *St Pauls Tank Program Works*

Cr Kris discussed recent contractor works beginning on Sunday 14 February 2016.

Action Item

CEO to investigate with GMBSU contractor inductions (to include not working on Sundays).

18.6 *Warraber private houses*

Cr W Lui queried whether private houses identified to pay land tax (rates). EMCS advised no land tax fees to be billed to private houses on DOGIT land.

18.7 *Dauan Ferry*

Action Item

EMCS to investigate beach landing to offload Dauan Ferry to avoid need to await pontoon repair.

5:00pm-5:30pm

Closed Business

RESOLUTION

Moved Cr W Lui, *Seconded* Cr Baira

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

(a) The appointment, dismissal or discipline of employees

MOTION CARRIED

All staff, with the exception of the CEO, left meeting at 5.12pm.

Cr Gaidan left meeting at 5.14pm

5:30pm-5:31pm

Closed Business

RESOLUTION

Moved Cr Nai, Seconded Cr Akee
That Council move out of closed business.

MOTION CARRIED

5.32pm Meeting Closed in Prayer by Cr Nai

WEDNESDAY 17 FEBRUARY 2016

Present

Cr Fred Gela, Mayor
Cr Keith Fell, Deputy Mayor, Division 4 – Mabuiag Island
Cr Joel Gaidan, Division 2 – Dauan Island
Cr Horace Baira, Division 5 – Badu Island
Cr David Bosun, Division 6 – Kubin Community at Moa Island
Cr Toshie Kris, Division 7 – St Pauls Community at Moa Island
Cr Mario Sabatino, Division 8 – Hammond Island
Cr Getano Lui Jnr, Division 9 – Iama Island
Cr Willie Lui, Division 10 – Warraber Island
Cr Phillemon Mosby, Division 11 – Poruma Island
Cr Ted Nai, Division 12 – Masig Island
Cr Rocky Stephen, Division 13 – Ugar Island
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Mr Chris McLaughlin, Executive Manager Corporate Services (EMCS)
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Ms Katherine Wiggins, Manager Performance & Advocacy (MPA)
Ms Daisy Ketchell, Executive Officer (EO)
Ms Helen Tarrant, Executive Assistant (EA)
Ms Jessica Cox, Travel and Administration Officer (TAO)(Minutes)

Apologies

Cr Dimas Toby, Division 1 – Boigu Island
Cr Ron Enosa, Division 3 – Saibai Island
Mr David Abednego, Executive Manager Community Services (EMCoS)
Ms Melissa Barmettler, Executive Manager Financial Services (EMFS)

19. 9:03am-9:05am Opening Prayer and Welcome

Cr G Lui opened the meeting in prayer.

Mayor Gela welcomed all to the meeting.

20. 9:05am-10:09am Maurice Evans and Ross McPherson, Asset & Facilities Management Consulting – Asset Management Consultancy Project

Maurice Evans, Manager Assets, began the presentation by introducing Ross McPherson, Asset & Facilities Management Consultant, to Council. MA advised the purpose of the presentation was to assess Council against other councils and to report and make recommendations to better Council's asset management.

Ross McPherson presented five core questions to Council, followed by a number of findings.

The five key themes of improvement identified were:

1. Better documentation;
2. Establishment of levels of service;
3. Strengthen asset data and knowledge;
4. Improving use of software systems; and
5. Improving forward planning.

Mayor Gela discussed the importance of managing community expectations. Rating will cost Council more to administer than it will raise in revenue.

A four point action plan for improvement was provided to Council:

1. Investigate expenditure forecasts;
2. Implement business improvements;
3. Increase revenue; and
4. Decrease Costs - level of service to community.

Cr Nai blessed the Morning Tea
10:09am-10:35am Morning Break

21. 10:36am-11:03am Chris McLaughlin – EMCS PhD Studies

EMCS began by acknowledging the Traditional Owners of the land, Elders past and present, Council and the full body of Ailan Lore and Kastom.

Chris McLaughlin, EMCS, presented Council with his PhD studies titled "Legal and Institutional Mechanisms to Better Support Torres Strait Islander people to Maintain their Cultural Secrets".

EMCS noted that Australian Law, whether under Intellectual Property, Defamation, Privacy or Confidential Information, does not adequately protect minority interests (Aboriginal or Torres Strait Islander) as it does majority interests. Further, that most Australian law only recognises the rights of the individual, not a group.

EMCS requested the support and contribution of the Councillors in his research. Any contribution will be provided anonymously and all contributors will have full approval of content and the right to withdraw at any time.

22. 11:04am-11:51am General Business

22.1 *Handcrafted Funeral Baskets*

Cr Kris advised of a business being investigated by Western cluster community members, based on a similar Pacific Islands venture, providing handwoven willow and seagrass caskets at considerable cost savings to conventional coffins. Mayor Gela would welcome a similar venture being delivered in Torres Strait Island communities. All Councillors agreed it was a good concept

Cr Baira queried funeral assistance funding. Mayor Gela advised community to investigate how the venture can operate under the burial assistance license.

22.2 *Council Assistance*

Cr G Lui queried how Council can assist in determining the estate of a deceased employee. EMCS advised of legislation that deals with wills and estates, noting Council has no jurisdiction to assist and the matter must be referred to the Supreme Court.

22.3 *Local Government Elections*

Cr Mosby queried the upcoming elections, asking for clarity around what Councillors can and cannot do during the caretaker period.

Action Item

EMCS to email Councillors and staff the Caretaker Provision outline including 'Dos and Don'ts' during Caretaker period.

EMCS discussed the use of Council equipment during campaigning and the rules for returning Council equipment for those Councillors not returned to office.

Action Item

EMCS to create form for Councillors who wish to retain their Council mobile phone number.

22.4 *Animal Control*

Action Item

CEO to investigate EHW positions on Erub and liaise with Cr J Gela in regards to interested community applicants.

22.5 *Erub Air Conditioning*

Cr J Gela noted air conditioning issues in the Erub Council Office, noting three reports logged. CEO advised delay may be due to capital funding issues.

Action Item

CEO to investigate nature of Erub air conditioning works and report back to Councillor.

22.6 *Election Scrutineers*

Cr Fell requested information on whether Council employees may be scrutineers during the election period. EMCS advised Council employees may be scrutineers outside of working hours but must be careful to separate this activity from their Council duties.

22.7 *Thank you*

Cr Nai thanked the Mayor, Councillors, their families, staff and the Executive team for their efforts during his term as Councillor.

11:51am-1:07pm Lunch Break

23. 1:07pm-1:57pm Elsja Dewis, Aboriginal and Torres Strait Islander Engagement Advisor, Anna Gummow, Managing Lawyer and Amanda Whelan, Team Leader Counselling and Support, Knowmore

Elsja Dewis acknowledged the Traditional Owners of the land. Elsa has been seconded from the Crime and Misconduct Commission to work with Knowmore.

Elsja discussed the Royal Commission into Child Sexual Abuse and the involvement of Knowmore. Knowmore are meeting with the Royal Commission on 10 March 2016 and Elsa's recommendation is that they visit the Torres Strait and meet with the leaders. Elsja enquired how the Commission can engage the Torres Strait Island youth currently in the system, and how best to support them.

Elsja and Councillors discussed aligning "Lore" and "Law".

Cr G Lui requested the Royal Commission visit Iama Island to create awareness of the situation and break the centralisation of services on Thursday Island.

24. 2.00pm – 3.04pm Latoya Nakata, Sylvia Tabua and Wayne Laza, Mura Kosker plus Detective Sergeant, Kristy Wilson, QPS – *Offending Rates in the Torres Strait*

The presenters acknowledged Mayor Gela and Councillors.

Kristy Wilson, Thursday Island Child Protection and Investigation Unit, presented statistics on reportable offenders in the Torres Strait region. Kristy discussed changes in legislation, reducing the period of time offenders are kept on the Reportable Offenders Register (from 15 years to five years).

Kristy presented reported domestic violence statistics in the Torres Strait.

Cr Fell requested a divisional breakdown of the domestic violence figures.

Cr G Lui queried what services are being provided to offenders to stop re-offending? Kristy advised the only service being provided is an intensive program upon receiving parole.

Wayne Laza presented Council with an update on child safety, noting the development of ongoing Community of Practice Child Protection Practice Groups in the Torres Strait.

Cr Kris queried whether child sexual abuse statistics included PNG nationals residing in the Torres Strait Islands. Wayne advised presented statistics cover Torres Straits only.

Mayor Gela noted the need for a more effective way of delivering services in the area.

Cr Sabatino encouraged each presenter to feed information through each Councillor in order to better engage with Community.

Sylvia Tabua discussed the increased presence of Mura Kosker on the Outer Islands and the need for service delivery on Outer Islands. She thanked Council for the invitation to meet today and noted Mura Kosker are about women and families which includes menfolk. Sylvia welcomed Council's invitation to work with us and keep in touch.

Cr Mosby blessed the Afternoon Tea
3:04pm-3:19pm Afternoon Break

25. 3:20pm-4:15pm Barry Williams, Debra Rose Funerals and Bob McCarthy, Chair, Dr Jill Newland, CEO and Andy Marshall, Executive General Manager – North, Torres and Cape Hospital Health Service (TCHHS) – *Morgue Proposal*

Mayor Gela welcomed all to the meeting.

Barry Williams, Debra Rose Funerals distributed a paper summarising the issues for community members when faced with the passing of a loved one. Barry discussed the difficult logistics and high costs faced by families

Barry noted his recent meetings with NAB to establish an Indigenous funeral fund, which is pending approval from NAB.

He discussed the practice of taking loved ones away from their islands, noting under Torres Strait religious belief this is not traditional practice.

Barry suggested the nomination of attendant funeral directors on each island and these could be Councillors. Cr G Lui encouraged Barry to visit Iama Island as a trial.

Councillors supported in principle registered Funeral Attendants for each community.

Bob McCarthy noted TCHHS could provide a morgue on each island in the Torres Strait that were willing to provide a suitable block of land adjacent to current health centres immediately.

Cr W Lui queried whether new health centres include space for morgues. Bob responded that new health centres would incorporate morgues.

It is vital that any land provided for a morgue is adjacent to the health centres to ensure accessibility of power supply (generators). The footprint of the morgue would be a shipping container-sized, refrigerated structure.

Cr Sabatino queried whether any fees would be associated with using TSCCH morgues? Barry advised morgues would be public with no associated fee for use.

The Mayor thanked Barry Williams and TCHHS and noted it was an excellent solution and excellent outcome for the region.

Bob McCarthy thanked Crs Nai and Baira for advocating for this issue at board level and noted that the ball was now in Council's court.

26. Leave in Advance

The following Councillors requested leave for the next meeting:

Cr W Lui
Cr Mosby
Cr Baira
Cr Nai
Cr Stephen

27. Next Meeting

Monday 11 or 14 March 2016 at 9:00am via videoconference – to be confirmed.

28. 4:15pm-4:40pm Closing remarks

Mayor Gela delivered his final closing and wished his fellow Councillors well for the elections. Mayor Gela thanked his fellow Councillors for their involvement, passion and contribution to their various communities and our region as a whole. The Mayor noted significant progress had been made and cited the achievements of the Audit Committee and that there would be some continuity. Council was developing a valuable induction programme for the incoming Council. The Mayor thanked the CEO and staff for their hard work and support over his terms in office.

The Mayor advised new Councillors and those returning to do so with passion and drive, to review the materials provided, to be independent of thought and to make up their own minds. The Mayor noted that when delegations visit the Council meeting we are being judged. There is an element of fear and respect in meeting Torres Strait leaders. However, some feedback is good and some not so good. The Mayor encouraged all Councillors to be honest with themselves and to evaluate their performance and his own. He would welcome such feedback.

The Mayor confirmed all Councillors have his support and commended their families, wives and children.

Cr G Lui responded and thanked the Mayor for his leadership. He noted it was a difficult learning curve but Council had weathered the storm together. However, it had not always been easy. He urged Councillors to not take things for granted and to remember no one is irreplaceable. Councillors were here for the good of their people.

Cr G Lui thanked the CEO and staff and noted he was very proud to be associated with all involved.

Cr Kris agreed and stated he was honoured to serve and advised he had nominated for Mayor. Cr Kris thanked the CEO as administrative arm and thanked Cr G Lui and his fellow Councillors. He wished all Councillors well in the forthcoming elections and noted he would always continue to support this Council.

29. 4.40pm Meeting Close

The meeting closed in prayer by Cr Fell.