



Torres Strait Island
REGIONAL COUNCIL

MINUTES

ORDINARY MEETING

TUESDAY 17 and WEDNESDAY 18 NOVEMBER 2015

Please find attached Minutes of the above meeting held on Badu Island on Tuesday 17 November 9:29am-4:45pm and Wednesday 18 November 9:20am-10:40am at the Ugarie Community Hall.

TUESDAY 17 NOVEMBER 2015

Present

Cr Fred Gela, Mayor

Cr Keith Fell, Deputy Mayor, Division 4 – Mabuiag Island

Cr Joel Gaidan, Division 2 – Dauan Island – *by telephone*

Cr Ron Enosa, Division 3 – Saibai 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 Getano Lui Jnr, Division 9 – Iama Island

Cr Mario Sabatino, Division 8 – Hammond Island – *by telephone*

Cr Ted Nai, Division 12 – Masig Island

Cr Rocky Stephen, Division 13 – Ugar Island

Cr Jimmy Gela, Division 14 – Erub Island

Mr Chris McLaughlin, A/Chief Executive Officer (A/CEO)

Mr David Abednego, Executive Manager Community Services (EMCoS)

Ms Melissa Barmettler, Executive Manager Financial Services (EMFS)

Ms Helen Tarrant, Executive Assistant to CEO (EA)

Ms Jessica Cox, Travel and Administration Officer (TAO) (Minutes)

Apologies

Cr Dimas Toby, Division 1 – Boigu Island

Cr Willie Lui, Division 10 – Warraber Island

Cr Phillemon Mosby, Division 11 – Poruma Island

Cr William Akee, Division 15 – Mer Island

Ms Dania Ahwang, Chief Executive Officer (CEO)

Mr David Baldwin, Executive Manager Engineering Services (EMES)

Ms Katherine Wiggins, Manager Performance and Advocacy (MPA)

Ms Daisy Ketchell, Executive Officer (EO)

1. **9.29am-9.32am** **Opening Prayer and Welcome**

Mayor's Welcome and Opening Remarks

Cr Enosa opened the meeting in prayer. There was a minute's silence to pay respects to families who have lost their loved ones recently. Mayor Gela acknowledged the native title holders of Badu, Cr Baira, the PBC Chairman for Badu and Councillors.

Cr Baira welcomed Councillors and staff to Badu and discussed general housekeeping.

2. **9.32am-9.41am** **Apologies**

Crs Gaidan and Sabatino were joining the meeting by teleconference. Approval by Mayor Gela pursuant to Instrument of Delegations of Local Government.

RESOLUTION

Cr W Lui – Approved Leave

Moved Cr Enosa, Seconded Cr Bosun

That Council accept the apology from Cr W Lui for his absence at this meeting.

MOTION CARRIED

RESOLUTION

Cr Mosby – Approved Leave

Moved Cr Nai, Seconded Cr Stephen

That Council accept the apology from Cr Mosby for his absence at this meeting.

MOTION CARRIED

RESOLUTION

Cr Akee – Approved Leave

Moved Cr Baira, Seconded Cr J Gela

That Council accept the apology from Cr Akee for his absence at this meeting.

MOTION CARRIED

Cr Toby – Unapproved Leave

Cr Toby's apologies were noted. 'Reasonable Excuse' was not provided as required under the Councillor Remuneration Procedure – leave without pay was granted.

The Mayor invited the ACEO to provide an overview to Councillors of the rules of acceptable leave. If leave is requested in advance there is no requirement to provide an explanation, if you are absent from the meeting, a proxy can be appointed to request leave on your behalf. However, if no leave in advance has been arranged, a 'Reasonable Excuse' must be provided and is defined as:

- (a) bereavement of the Councillor or immediate family; or
- (b) illness of the Councillor or immediate family, supported by medical certificate; or
- (c) absence whilst on Council-approved business; or
- (d) Approved Leave

Cr Nai requested that a factsheet be provided to Councillors detailing rules of leave, including proxy.

Incoming Council to be provided with full induction on Leave of Absence Policy.

Action Item

A/EMCS to provide factsheet to Councillors detailing rules of leave, including proxy.
A/EMCS to provide Incoming Council with full induction on Leave of Absence Policy

Check undertaken to see who is on teleconference. Cr Gaidan confirmed. Cr Sabatino not yet online.

3. 9.42am-9.51am Confirmation of October 2015 Minutes

Cr Baira requested information on Trust Fund resolution from October 2015 as he was absent. EMFS provided briefing.

Cr Nai requested information on why the Yorke Island Funeral Fund was overdrawn. EMFS provided briefing.

Cr Baira requested further information on DOGIT Trust balances for Mer and Badu as we no longer manager these Trusts.

Action Item

EMFS to advise re: DOGIT Trust Funds balances for Mer and Badu.

RESOLUTION

Moved Cr Nai, Seconded Cr Enosa

That the minutes of the Ordinary meeting of September 2015 be adopted as true and accurate.

MOTION CARRIED

4. **9.52am-10.00am** **Action Item Summary From October Meeting**

Cr G Lui requested information on monthly staff travel expenditure. EMFS advised this was in the monthly information reports to Council.

Cr Enosa flagged that he wished to discuss Saibai Gazebo's in General Business.

Previous Action Item 17 – DFAT Letter re: Water

Cr Nai requested an update on the action item. A/CEO advised letter sent to DFAT and Minister Bishop and currently being escalated to Premier and Prime Minister. Advice will also be provided to TSRA and The Honourable Warren Entsch MP.

Previous Action Item 30 – TSC Airport Taxes

Cr Nai requested an update on the action item. A/CEO advised no update available at this stage but the matter is being investigated and an update provided as soon as possible to SARG.

6. **10.04am-10.08pm** **Delegations Register**

A/CEO presented the report to Council during the recent Councillors' Workshop in Cairns.

Cr Baira queried whether any delegations will be increased during caretaker mode. Mayor Gela advised CEO delegation will not be increased during this period.

RESOLUTION

Moved Cr Nai, Seconded Cr Kris

That pursuant to sections 257 and 260 of the *Local Government Act 2009* (QLD), Council adopts the Instrument of Delegations of Local Government 2015-2016, as presented.

MOTION CARRIED

7. **10.09am-10.28am** **Amended Operational Plan**

A/CEO presented the report to Council.

Cr Stephen queried timeframe delays in the design and costing of the hall. A/CEO advised timeframes shifted due to land issues, now resolved, and the project has been pushed back to June 2016.

Action Item

EMES to provide update on Ugar Community Hall Status to Cr Stephen.

Cr Sabatino joined the meeting via teleconference at 10.19am

Cr Nai discussed the importance of stakeholder relationships.

Cr G Lui requested an update on lama basketball courts.

Action Item

EMES to provide update on lama basketball courts.

Cr Baira requested the reasoning the removal of water meters from the plan. A/CEO advised prioritisation matrix prioritised other projects over water meters.

RESOLUTION

Moved Cr Bosun, *Seconded* Cr Stephen

That pursuant to section 174 (1) of the *Local Government Regulation 2012 (QLD)*, Council adopt the Amended Annual Operational Plan for the financial year 2015-2016, as presented.

MOTION CARRIED

Cr Nai blessed the Morning Tea
10.28am-10.52pm Morning Tea

8. 10.53am-11.00am Mer NPARIH Development Application

Item withdrawn pending clarification of sewage system proposed by the applicant.

9. 10.53am-11.00am Badu NPARIH Development Application

A/CEO presented the report to Council.

Cr Baira requested confirmation of numbers. EMCoS advised eight (8) houses this financial year, with another in the next financial year.

RESOLUTION

Moved Cr Baira, *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 SP274782 Plan of Leases CB-CK in Lot 2 on SP253545, Lease CL in Lot 504 on SP253545 & Lease CM in Lot 901 on SP253545 dated 25 March 2015.

Plant/Document Number	Plan/Document Name	Date
SP274782	"Plan of Leases CB-CK in Lot 2 on SP253545, Lease CL in Lot 504 on SP253545 & Lease CM in Lot 901 on SP253545"	25/03/2015

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 satisfactions 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. Leases CK & CL are to be consolidated into a single lot (refer to Lot 39 SP274784).
- 7. Leases CM & CG are to be consolidated into a single lot (refer to proposed Lot 152 SP274784).

MOTION CARRIED

12. 11.01pm-11.43am Business Arising from Information Reports

Cr Kris queried the NPARIH ratings system. EMCoS advised Departments conduct ratings on houses, not Council.

Cr Kris queried Lot 125 (R&R). EMCoS advised variation works to be approved.

Action Item

EMCoS to provide Cr Kris with update on CBRC (R&R) construction at Lot 125 St Pauls

Cr G Lui queried who is the Grants officers are liaising with. A/CEO advised stakeholders include MyPathway, TSRA and State agencies. A/CEO discussed the Indigenous Advancement Strategy, advising of plans to develop a regional bid, as opposed to single submissions by island.

Action Item

A/CEO to advise Cr G Lui whether SPOG is available to assist community organisations with grant applications.

Cr Kris queried war memorial funding. A/CEO advised funding application submitted to Warren Entsch office rejected, with a final application to TSRA pending.

Action Item

A/CEO to provide Cr Kris with update on memorial funding.

Cr Stephen requested an update on Ugar mail service delivery. Mayor Gela advised funding to be adopted in budget review for an expression of interest.

Action Item

EMCoS to consider and advise Cr Stephen and Mayor why we cannot offset savings of barge to Ugar against costs associated with appointing contractor to run between Erub and Ugar for Australia Post.

13. 11.44am-11.45am Closed Business

Moved Cr Bosun, Seconded Cr J Gela

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

(d) Rating concessions; or

Further, the public in attendance were asked to leave.

Cr Gaidan and Cr Sabatino confirmed they were alone via teleconference.

MOTION CARRIED

13.1. 11.45pm-12.20pm Service Charge Relief

EMFS presented the report to Council.

12.23pm-12.29pm Land Holding Act Leases

A/CEO presented to Council.

12.29pm-12.30pm Closed Business

RESOLUTION

Moved Cr Baira, Seconded Cr Nai

That Council resolve to move out of closed business.

MOTION CARRIED

RESOLUTION

Moved Cr Bosun, Seconded Cr Sabatino

That Council resolve to decline the request for service charge relief for Badu Island Foundation Ltd.

MOTION CARRIED

Action Item

EMFS to enter into a Debt Deferral arrangement with BIF for Service Charges.

RESOLUTION

Moved Cr Baira, Seconded Cr Nai

That Council facilitate formal request by entitlement-holders for the grant of LHA Leases to the Minister for DNRM under the *Aboriginal and Torres Strait Islander Land Holding Act 2013* (Qld).

MOTION CARRIED

12.33pm-1.31pm Q&A

Mayor Gela welcomed the students and teachers from Badu Island Campus. Councillors and staff introduced themselves to the students.

Each student took turns asking various Councillors questions related to Council terms, goals, infrastructure, roads, Badu Youth Centre, apprenticeships and election processes.

Cr Baira thanked the students, teachers, Mayor, Councillors and Staff.

Cr G Lui blessed the Lunch
1.36pm-2.16pm Lunch Break

5. **2.20pm-2.21pm** **Annual Report**

A/CEO presented the report to Council.

RESOLUTION

Moved Cr Kris, *Seconded* Cr Fell

That Council endorses the 2014-2015 Annual Report.

MOTION CARRIED

10. **2.21pm-3.12pm** **Budget Review**

EMFS presented the budget review to Council.

Cr Kris queried a potential conflict in the titling of “Hammond Island Ferry” in the report. EMFS advised title to be changed to “Marine Public Transport”.

Action Item

EMFS to change title of “Hammond Island Ferry Infrastructure” to “Marine Public Transport” in report.

Cr Kris queried whether Council will be renewing its Grafton St office lease or moving on with Transitional Action Plan. A/CEO advised lease to be renewed, with Draper St closed and list of staff able to be plugged into outer islands prepared.

Cr Baira queried the process of projects being included in budget review. EMFS advised projects prioritised via prioritisation matrix.

Cr Sabatino requested assessment as to whether vacant social houses could be used to house temporary contractors.

Cr Kris requested update on St Paul’s stadium funds from TSRA.

RESOLUTION

Moved Cr Fell, *Seconded* Cr Kris

That Council adopts in accordance with s169 and s170 of the *Local Government Regulation 2012* an amended budget for 2015/2016 Financial Year as presented, incorporating:

- i) Statement of Financial Position; (Cr Enosa, Cr J Gela) AIF
- ii) Statement of Cash Flow; (Cr Gaidan, Cr Sabatino) AIF
- iii) Statement of Income and Expenditure; (Cr J Gela, Cr Enosa) AIF
- iv) Notes to Statement of Income and Expenditure; (Cr Fell, Cr J Gela)AIF
- v) Statement of Changes in Equity; (Cr Fell, Cr Kris) AIF
- vi) Long Term Financial Forecast; (Cr J Gela, Cr Fell) AIF
- vii) Financial Sustainability Ratios’ (Cr Fell, Cr Enosa) AIF
- viii) Capital Budget, with the exclusion of the Sawadgee Lodge

MOTION CARRIED

Action Item

**EMCoS to consider use of social houses for short-term contract use.
EMFS to provide update to Cr Kris on St Pauls Stadium funding.**

11. 3.13pm-3.49pm Ugar Helicopter Subsidy

EMCoS presented the report to Council.

Cr Stephen queried the term “community resident” in the report, noting requests for relatives to use the service. Mayor Gela suggested looking at eligibility on a case by case basis, for endorsement by Council.

Action Item

EMCoS to amend Helicopter Subsidy Procedure to allow case by case eligibility approval by Councillors for Ugar and Dauan Islands.

Cr Baira suggested the use of booking fees as a cost recovery if funding runs out before January.

Cr Stephen declared a conflict of interest and elected not to vote.

Cr Gaidan declared a conflict of interest and elected not to vote.

RESOLUTION

Moved Cr Fell, Seconded Cr Enosa

- a) That Council endorse subsidized helicopter passenger transport for the Ugar and Dauan communities during the 2015 Christmas season for the period 14 December 2015 up to and including 7 January 2016, subject to operational budget commitment; and
- b) That Council adopts a \$86.60 GST inclusive booking fee on a cost recovery basis for administration of the subsidized helicopter passenger service; and
- c) Subject to operational budget commitment, Council endorse the proposed administrative procedures to manage the subsidized helicopter passenger transport service for the 2015 Christmas season for Ugar and Dauan communities.

MOTION CARRIED

Cr Fell blessed the Afternoon Tea
3.49am-4.06pm Afternoon Tea

16. 4.06pm-4.45pm General Business

Cr Enosa requested clarity regarding the progress of the Saibai gazebos. A/CEO advised Council was waiting on a letter from PBC confirming ownership.

Cr Fell requested the February Ordinary Meeting be held on Mabuiag Island, in conjunction with celebrations for the 100 year blessing of St Mary’s church.

Cr J Gela queried the well pumps. A/CEO advised EMES to investigate how to transplant water to holding tank.

Action Item

EMES to investigate transplant of water to holding tank at Erub.

Cr Baira – Request feedback on Erub action item (letter). Mayor Gela – special highway and bridges scheme.

Action Item

ACEO to prepare letter to Queensland Minister of Transport, and Nigel Scullion MP to fund Badu Finger wharves.

4.45pm Meeting Closed in Prayer by Cr Stephen

WEDNESDAY 18 NOVEMBER 2015

Present

Cr Fred Gela, Mayor

Cr Keith Fell, Deputy Mayor, Division 4 – Mabuiag Island

Cr Ron Enosa, Division 3 – Saibai 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 Getano Lui Jnr, Division 9 – Iama Island

Cr Ted Nai, Division 12 – Masig Island

Cr Rocky Stephen, Division 13 – Ugar Island

Cr Jimmy Gela, Division 14 – Erub Island

Mr Chris McLaughlin, A/Chief Executive Officer (A/CEO)

Mr David Abednego, Executive Manager Community Services (EMCoS)

Ms Melissa Barmettler, Executive Manager Financial Services (EMFS)

Ms Helen Tarrant, Executive Assistant to the CEO (EA)

Ms Jessica Cox, Travel and Administration Officer (TAO) (Minutes)

Apologies

Cr Joel Gaidan, Division 2 – Dauan Island

Cr Mario Sabatino, Division 8 – Hammond Island

Cr Dimas Toby, Division 1 – Boigu Island

Cr Willie Lui, Division 10 – Warraber Island

Cr Phillemon Mosby, Division 11 – Poruma Island

Cr William Akee, Division 15 – Mer Island

Ms Dania Ahwang, Chief Executive Officer (CEO)

Mr David Baldwin, Executive Manager Engineering Services (EMES)

Ms Katherine Wiggins, Manager Performance and Advocacy (MPA)

Ms Daisy Ketchell, Executive Officer (EO)

14. 9.18am-9.20am Opening Prayer and Welcome

Cr Enosa opened the meeting in prayer.

15. 9.20am-9.43am Desley Rosas, Flo Cornish & Jude Koehler, Mount St Bernard College, Herberton – Elders in Residence – New Program

Councillors, staff and presenters from Mount St Bernard College introduced themselves.

Jude Koehler acknowledged traditional custodians and traditional owners past, present and future.

Cr Kris and Cr Nai entered the meeting at 9.24am

The presenters invited the Councillors to come and stay at McAuley House on the tablelands when they next visited to Cairns to spend time with their students. The presenters requested feedback on their various programs designed to encourage and support Indigenous students attending the college, such as:

- Elders in residence program
- Teleconference and video link-up
- Culturally significant occasions to celebrate

Cr Fell queried what significant occasions the college would like elders to attend. Flo Cornish advised occasions would be chosen in consultation with elders and Council.

Action Item

Flo Cornish to send additional details to EA re: breakdown of students per island for distribution to the Councillors. Desley Rosas to send details of Indigenous Leaders of Tomorrow programme to EA for distribution amongst Councillors.

Cr Nai discussed the college building partnerships with the private sector.

15.2. 9.46am-10.29am David Peebles, Manager – Wildlife and Environmental Crime Team, Hamish Hansford, National Manager – Report Findings

David and Hamish from the Wildlife and Environmental Crime Team introduced themselves to Council.

David discussed the background of their team, visiting Australian communities in order to gather information to better manage the Dugong and Turtle Protection Plan (DTPP).

Issues raised were:

- Hunting outside of traditional waters
- Sustainability
- PNG illegally hunting in Australian waters.

David requested Council's feedback on the TSRA ranger program. Cr Kris discussed the need for rangers to have authority.

Cr Nai discussed the need for rangers to be able to distribute compliance letters in communities.

Cr Kris discussed the legislation of Community Management Plans.

Discussion followed regarding hunting outside of the Torres Strait waters, such as Cairns or Hervey Bay. David suggested the implementation of a permit system, to track hunting and turtle and dugong numbers.

Mayor Gela noted consultation with community as a top priority for the team.

Morning Tea blessed by Bishop Nona

10.35am Council Meeting Close & Morning Tea Break