

**Torres Strait Island Regional Council (TSIRC)
Ordinary Meeting
Held at the *Olandi Pearson Memorial Hall, Poruma Island*
Tuesday 17th August – Wednesday 18th August 2010**

DAY 1 - TUESDAY 17TH AUGUST 2010

- Present:**
- Cr. Fred Gela, Mayor
 - Cr. Kenny Bedford, Deputy Mayor, Division 14 - Erub
 - Cr. Donald Banu, Division 1 – Boigu Island
 - Cr. Keith Fell, Division 4 – Mabuiag Island
 - Cr. Wayne Guivarra, Division 5 – Badu Island
 - Cr. David Bosun, Division 6 – Kubin
 - Cr. Toshie Kris, Division 7 – St. Pauls
 - Cr. Nancy Pearson, Division 8- Hammond
 - Cr. Willie Lui, Division 10 - Warraber
 - Cr. Phillemon Mosby, Division 11 – Poruma Island
 - Cr. Florianna Bero, Division 13 – Ugar
 - Cr. Ron Day – Division 15 – Mer Island
 - Mr. John Scarce, Chief Executive Officer
 - Ms Dania Ahwang, Deputy Chief Executive Officer
 - Mr. David Abednego, Executive Officer
 - Mr. Anthony Bird, Executive Manager Corporate & Finance
 - Mr. Lloyd Sunderland, Executive Manager Community Services
 - Mr. Patrick McGuire, Executive Manager Engineering Services
 - Mr. Noel Peters, Manager Human Resources
 - Mr. Chris McLaughlin, Chief Legal Office
 - Mrs Tania Sailor, Executive Secretary.
- Observers:** Members of the Community
- Apologies:**
- Cr. Ron Enosa, Division 3 – Saibai Island
 - Cr. John Mosby, Division 12 – Yorke
 - Cr. Walter Mackie, Division 9 - Iama
- Deputations:** Nil
- 3.00pm:** Following the Audit Committee Meeting, Council meeting resumed after afternoon tea break.

EXECUTIVE MANAGERS REPORT - COMMUNITY SERVICES

RPS REPORT "TORRES STRAIT ISLANDS - SOLID WASTE MANAGEMENT REPORT"

It was noted:

- Landfills:
 - Central Islands are the highest priority in addressing the waste management issues
 - Address what we have now in our communities
 - Meet/comply with Regulatory Bodies.
 - The scope of the exercise is to look at an area where it can be accommodated and be a landfill for 50yrs – that's the thinking in terms of the vision.
 - Long term plan - discussions have taken place with the Traditional Owners at Kubin in relation to looking at a regional view such as:
 1. What waste is generated in the community
 2. What can be recycled is recycled
 3. What can't be recycled is moved off.
 - Working in partnership with LGAQ & Torres Shire Council.
- Transfer Stations:
 - Proposed to have transfer station facilities in each community.
 - Discussions at Moa Island, Traditional Owners have actually pin point one site.
 - Once a proposal is put together for Moa Island, the Traditional Owners and Constituents of both Communities, Kubin and St. Pauls needs to be engaged as well.
- Mayor Gela provided a brief update to members reiterating Cr. Bedford's comments and that IBIS has definitely identified the issue that has been brought to their attention. IBIS:
 - is rolling out 6 Compactors to Communities.
 - commenced with Ugar as the first community.'
 - had some break through in discussions and negotiations with Seaswift who has agreed to back load any waste that IBIS compact out of communities free of charge.
 - will discuss with Council and the schools with regards to collection of recycling tins. The money/proceeds of the sales and crushing of the tins will go back to the schools.

- Mayor Gela advised it is just a matter of other agencies that are delivering services in the communities to start thinking like IBIS so we could minimise what wastes are being generated in communities.
- Executive Manager Communities advised:
 - There is a great impact on environmental issues such as with wildlife and plants in communities.
 - As Council we are part of that transition now as we have ever been in looking at addressing those issues.
 - Had consultations with the Engineering Manager, and their workforce is part of that transition in dealing with land fill issues.
 - These have already been done in some communities with very pressing issues, for instance Saibai where a lot of work has been done prior before the wet season sets.
 - We are doing reactive things continually where its needed.
 - Report will be used as a tool to take to Government to say this is what the professionals who are experienced in waste management have come up to say we need\$1.5M for the 1st stage etc etc, because there is nothing in our budget to address the recommendations in this report.
 - The report once endorsed will go:
 1. to DERM for their agreement with Council.
 2. to Government for funding to put it into practice.

RESOLUTION

Moved Cr. Bosun, Seconded Cr. Guivarra that Council:

1. Adopt the report of RPS (formerly Conics) titled ***Torres Strait Islands Solid Waste Management Assessment***.
2. Authorise the Chief Executive Officer to develop and present to the Department of Environment and Resource Management, a staged approach to implement the recommendations of the report, as appropriate with Council's financial and resource constraints.

Motion Carried

LOCAL LAWS

- Until the sub-ordinate local laws are in place it will not repeal the current local laws that are in place now.
- Local Government Act actually states that automatically those old local laws will be repeal in December this year – alternatively Council can repeal or extend them.
- The Model Local Laws:
 - That Council are putting in place now will supersede all of those previous laws other than the justice, law and order laws – council will have to look at opportunities to repeal a law and order local laws later on down the track.
 - covers administration which is already in one of the By-Laws in place such as Animal Management, Community Environmental Management, Local Government Control areas and facilities, roads, indigenous Community Land Management.
- There are no restrictions each community could have their own unique subordinate local law - although it is easier for Council to have one Regional Subordinate Local Law if all 15 Divisions agree and are happy with it.
- The other way round instead of having banishment law in communities:
 - is to look at stopping people being there in the community.
 - as a class of person making an application for a permit from Council to be granted access but under certain conditions and these will be ongoing conditions on those permits granted eg they must disclose all criminal history etc
 - The applicants for a permit must apply with all the laws of the State, Local Government and Commonwealth – the value to do that would result in the ratification of that permit.
 - there is nothing stopping Council from adopting a local law at that time however, it will still need to go back to State to have a look at it – ultimately it's a State decision.
- Cr. Kris expressed his concerns why this was an issue to him as it happened in his community recently:
 - the State doesn't assist the Community.
 - The State only helps the victims get on to the Court stand to testify against the crime – once that's done the State relinquishes the victim back into the community with no help and rely on the Community's "Good Pasin" but it is does not work that way – the issue ends up going back to the Council.
 - it's a burden left for Councillors as elected represented in their community to have to gather family members to try and resolve that issue – with no help from the State.
- Mayor advised two steps that needs to be taken:
 1. Endorsing the Model Local Law
 2. Consulting with the Communities to ensure that we capture and adopt and endorse sub-ordinate local laws that would alleviate and address those sort of issues in the communities
- It was also noted that TSIRC is the first Council to adopt a Model Local Laws in Queensland.

RESOLUTION

Moved Cr. Pearson, Seconded Cr. Bedford that pursuant to section 28 of the Local Government Act 2010 (Qld), Council resolves to adopt the following Model Local Laws: -

1. Model Local Law No. 1 (Administration) 2010;
2. Model Local Law No. 2 (Animal Management) 2010;
3. Model Local Law No. 3 (Community and Environmental Management) 2010;
4. Model Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2010;
5. Model Local Law No. 7 (Indigenous Community Land Management) 2010; and

Motion Carried

It was noted that Cr. P. Mosby left the meeting at 4.00pm

DELEGATION REGISTER

- It was noted that the only change is A3 & A4 which is something that wasn't in the previous Act.
 - A3 – power to making local laws
 - A4 – make consolidated version of a Local Law
- A3 & A4 can be retained by Council and does not have to sit in the Delegates Register.

RESOLUTION

Moved Cr. Bedford, Seconded Cr. Lui that pursuant to section 257 of the Local Government Act 2009 (Qld), Council resolves to delegate those powers mentioned in the 'Instrument of Delegations of Local Government' excluding the delegation power to the CEO to *make Local Laws* and *make consolidated version of Local Law*, attached hereto, to the delegates specified therein.

Motion Carried

Against: Cr. Day

DEBTORS RECOVERY POLICY RENEWAL

- It was noted that the only change is that because the minor debts divisions no longer exists in the Magistrates Courts, it is now under the QCAT therefore the maximum jurisdiction is now \$25,000, it used to be \$7,000.

RESOLUTION

Moved Cr. Pearson, Seconded Cr. Bero that Council renew the Debt Recovery Policy.

Motion Carried

Against: Cr. Day

It was noted that Cr. Fell left the meeting at 4.20pm and returned 4.23pm.

GIFTS POLICY

RESOLUTION

Moved Cr. Pearson, Seconded Cr. Banu that Council renew the Gifts Policy.

Motion Carried

LITIGATION RISK MANAGEMENT POLICY RENEWAL

RESOLUTION

Moved Cr. Kris, Seconded Cr. Bero that Council renew the Litigation Risk Management Policy.

Motion Carried

EXECUTIVE MANAGERS REPORT - ENGINEERING & HOUSING

1. PROPOSED TSIRC PLANNING SYSTEM

It was noted that:

- In terms of Mer Island as per question posed by Cr. Day, Mayor Gela advised that dialogue is yet to occur between TSIRC and the Department of Communities inclusive of Cr. Day.
- When discussions occur with the Department of Communities that Cr. Day is involved in the same discussions.

RESOLUTION

Moved Cr. Bosun, Seconded Cr. Pearson that Council approve the proposed planning system presented in this report.

Motion Carried

It was noted that Cr. P. Mosby returned to the meeting at 5.00pm

2. NAMING OF ROAD – ST. PAULS

Cr. Kris advised:

- that the whole process of this could have been handled a lot more better than how it was done, although legislation says you have to show numbers and we did that.
- we actually stepped outside of Island Kastom in the Community to do this whole process by following the legislation but we have always done things better without adhering to any legislation.
- The issue now is there is an invisible line in the community with division amongst families, and Cr. Kris will have to go back to resolve the conflict between families in the Community.
- ***Cr. Kris requested that the naming of the road be given back to the Elders and Community to work/liaise closely with the Ware Family.***

LAY ON TABLE.

It was noted that Executive Manager Corporate & Finance joined the meeting.

Cr. Pearson and Cr. Bero left the meeting at 5.09 and returned at 5.15

EXECUTIVE MANAGERS REPORTS - CORPORATE & FINANCE

1. CASHLESS PROJECT PLAN

RESOLUTION

Moved Cr. Fell, Seconded Cr. Bedford that Council implement a no cash policy for each Divisional Council Office effective as follows:

<i>Beginning September 2010</i>	<i>Beginning January 2011</i>	<i>Beginning March 2011</i>
<ul style="list-style-type: none"> • Erub • Saibai • Boigu • Ugar • Yorke 	<ul style="list-style-type: none"> • Hammond • Dauan • Mabuig • Badu • Mer 	<ul style="list-style-type: none"> • Poruma • St Pauls • Iama • Warraber

Motion Carried

Against: Cr. Guivarra

2. DEBTOR WRITE-OFF

- It was noted that there the debt cannot be recovered.

RESOLUTION

Moved Cr. Fell, Seconded Cr. Day that Council write off \$89,064.29 as presented:

DEBTOR NAME	AMOUNT
Natural Resource Assessments	\$ 561.00
Rebel Seafood/Rebel Marine	\$ 62,977.20
Liquip Sales (NQ)	\$ 357.50
Cairns Seafood	\$ 21,208.30
Local Government Association of Queensland	\$ 1,770.80
Enviroflow	\$ 1,994.49
BGB Holdings LTD	\$ 143.00
Ires Remote Corporate Services	\$ 52.00
Total	\$89,064.29

Motion Carried

MEETING CLOSED FOR THE DAY

5.30pm Meeting closed for the Day in prayer by Cr. Fell.

**Torres Strait Island Regional Council (TSIRC)
Ordinary Meeting
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Tuesday 17th August – Wednesday 18th August 2010**

DAY 2 - WEDNESDAY 18TH AUGUST 2010

Present: Cr. Fred Gela, Mayor
Cr. Kenny Bedford, Deputy Mayor, Division 14 - Erub
Cr. Donald Banu, Division 1 – Boigu Island
Cr. Keith Fell, Division 4 – Mabuiag Island
Cr. Wayne Guivarra, Division 5 – Badu Island
Cr. David Bosun, Division 6 – Kubin
Cr. Toshie Kris, Division 7 – St. Pauls
Cr. Nancy Pearson, Division 8- Hammond
Cr. Willie Lui, Division 10 - Warraber
Cr. Phillemon Mosby, Division 11 – Poruma Island
Cr. Florianna Bero, Division 13 – Ugar
Cr. Ron Day – Division 15 – Mer Island
Mr. John Scarce, Chief Executive Officer
Ms Dania Ahwang, Deputy Chief Executive Officer
Mr. David Abednego, Executive Officer
Mr. Anthony Bird, Executive Manager Corporate & Finance
Mr. Lloyd Sunderland, Executive Manager Community Services
Mr. Patrick McGuire, Executive Manager Engineering Services
Mr. Noel Peters, Manager Human Resources
Mr. Chris McLaughlin, Chief Legal Office
Mrs Tania Sailor, Executive Secretary.

Observers: Members/Elders of the Community.

Apologies: Cr. Ron Enosa, Division 3 – Saibai Island
Cr. John Mosby, Division 12 – Yorke
Cr. Walter Mackie, Division 9 - Iama

Deputations: Nil

9.00am: Meeting Opened in Prayer by Cr. P. Mosby.

ONE MINUTE SILENCE

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

Mayor also expressed words of condolences to Cr. Banu and his family for the loss of their loved one.

WELCOME

Welcome & Acknowledgement of Traditional Land Owners

- Cr. Phillemon Mosby
- Mayor Fred Gela

OPENING REMARKS

Cr. P. Mosby welcomed the Mayor, Councillors and Executive Staff to the Community of Poruma, and brief everyone with a little bit of housekeeping. Cr. Mosby advised that whole community will join the Council for dinner on Wednesday night.

Mayor acknowledged PBC Chair Mr. Jack Billy, all Traditional Elders, Cr. Mosby, TSIRC Staff, Divisional Manager & Staff, Spiritual leaders, Youth of Poruma and the Community at large.

ACCEPTANCE OF APOLOGY – COUNCILLORS ABSENCE

Moved Cr. Kris, Seconded Cr. Fell that Council accepts the apology from Cr. Mackie, Cr. Enosa and Cr. J. Mosby for their absence at the meeting.

Motion Carried

Against: Cr. Pearson
Cr. Lui
Cr. Bosun

It was noted that Cr. Pearson, Cr. Lui and Cr. Bosun voted against Cr. Enosa's apology, and not the other Councillors.

DEPUTATION - Nil

EXECUTIVE MANAGERS REPORTS - CORPORATE & FINANCE

1. DEBTOR WRITE-OFF RICHARD BOWIE

- Legal advice sought on this issue
 - As Mr. Bowie is a declared bankrupt, any of the debts or monies owing to the Council during the time of the bankruptcy period was unable to pursue further or recover.
 - Next step is to lodge a proof of debt with the Trustee to see if there are any monies that can be recovered.
 - Looking at recouping the debt of \$2175 that occurred after the bankruptcy and also if Mr. Bowie can remain as the Principal tenant of that property.
- It was noted for every Traditional Land there is a primary beneficiary. There are other solutions and mechanisms in making sure that connection to that land is maintained.

RESOLUTION

Moved Cr. Fell, *Seconded* Cr. P. Mosby that Council write-off \$25,971.19 on debtor file for Mr. Richard Bowie.

Motion Carried

Against: Cr. Pearson
Cr. Bosun

2. DEBTOR WRITE-OFF NPM GROUP PTY LTD

RESOLUTION

Moved Cr. Fell, *Seconded* Cr. P. Mosby that Council write-off \$3,696.00 on debtor file TO102 NPM Group Pty Ltd Trading as Ark Modular Homes.

Motion Carried

Against: Cr. Pearson

3. LOCAL GOVERNMENT INFORMATION MANGEMENT SYSTEM (LGIMS)

RESOLUTION

Moved Cr. Kris, *Seconded* Cr. Fell that Council tenders for the implementation of a Local Government Information Management System including all system design, hardware, requirements, software development, project management, implementation and ongoing support

Motion Carried

10.10am Cr. Bedford joined the meeting.

3. MIP4 REPORTS

Executive Manager Engineering Services briefed Councillors with a power point presentation on MIP4 Projects.

It was resolved that Council break for Morning Tea at 10.30am

4. NDRRA REPORT

Executive Manager Engineering Services briefed Councillors with a power point presentation on NDRRA.

11.15am Cr. Bero returned to the meeting after Morning tea.

11.20am Deputy CEO and Executive Officer joined the meeting

11.30am Cr. Kris returned to the meeting after Morning tea.

RELOCATION POLICY

RESOLUTION

Moved Cr. Bedford, Seconded Cr. Fell that Council adopts the attached Relocation Policy for all persons employed or associated with Torres Strait Island Regional Council. To be know as the Relocation Policy (Number 2010:4)

Motion Carried

LEAVE POLICY

RESOLUTION

Moved Cr. Fell, Seconded Cr. Bedford that Council adopts the attached Leave Policy for all persons employed or associated with Torres Strait Island Regional Council. To be know as the Leave Policy (Number 2010:2).

Motion Carried

INTERNET AND EMAIL USE POLICY

RESOLUTION

Moved Cr. Fell, Seconded Cr. Bero that Council adopts the attached Internet and Email Use Policy for all persons employed or associated with Torres Strait Island Regional Council. To be know as the Internet and Email Use Policy (Number 2010:5)

Motion Carried

12.15pm Cr. Banu left the meeting.

EQUAL OPPORTUNITY POLICY

It was noted:

1. Need to try and progress in getting the training needs analysis done.
2. Standard letter to go out to Divisional Managers to filter information through so that employees on the ground:
 - a. are aware that Council is prepared to assist them;
 - b. can come forward and engage in discussion in getting their Recognition of Prior Learning (RPL)
3. Question put to the floor is:
 - a. Whether Council want to endorse this policy now; or
 - b. Leave the Policy on the table to review it, giving Councillors more than sufficient time to peruse and then table for discussion/endorsed at the next Council meeting.

RESOLUTION

Moved Cr. Bedford, Seconded Cr. P. Mosby that Council adopts the attached Equal Employment Opportunity Policy for all persons employed or associated with Torres Strait Island Regional Council. To be known as the Equal employment Opportunity Policy (number 2010:6)

For: 5
Against : 5
Mayors Casting Vote: Against

MOTION LOST

EMPLOYEE HOUSING POLICY

It was noted:

- Utility Incidentals covers electricity, gas, and maybe charged water with some rental property on TI.
- With regards to allocation of Housing no. 4 "*Housing shall only be provided within Council's Regional area*". The intention of the policy was to not provide housing anywhere other than within in our own council area being the Torres Strait Island Regional Council area.
- Mayor advised If we don't get the \$10M that we are asking from the State Government to build accommodation out on the communities we will have the technical officers based out on the communities with no accommodation, which basically will have systems throughout the Torres Strait falling, if not provided with the necessary technical support, especially the water officers and sewer officers based in our communities.
- CEO disagreed with Mayors comments because we paying upward rent from a \$1000 - \$1500 a week for people to live in their accommodation on Friday night, Saturday night and Sunday night.
- The scope of this policy covers all employees of the TSIRC except for termed contract employees.

- Mayor advised:
 - Council continuously lobbying for \$10M from State to build staff accommodation.
 - Cannot use community funds thus the reason why Council have never even looked at building any staff accommodation as to date in communities.
 - Need money that is not locked into community development - not only money to build houses, its money to develop the blocks.
 - If Government not only going to provide money to build new homes they must provide money for infrastructure to support them staff accommodation.
- The report regarding proposal put to individual councils in putting a submission for housing executives managers within the communities with the existing staff accommodation that is available in their community, has not been finalised and no money has been received.
- Staff housing is not social housing, staff housing is control by Human Resources section.
- ***It was noted that with regards to Part 4 "Application of Policy" Sub heading "Allocation of Housing":***
 - Section 1 *"Consideration to the level of position held by officers will be given when housing is allocated" be deleted.*
 - Part 4 – *Housing shall only be provided within Council's Regional Area" remains in the Policy.*

RESOLUTION

Moved Cr. Bedford, Seconded Cr. P. Mosby that Council adopts the attached Employee Housing Policy for all persons employed or associated with Torres Strait Island Regional Council with the exclusion of "Consideration to the level of position held by officers will be given when housing is allocated" (Part 4 Section 1). To be know as the Employee Housing Policy (Number 2010:6)

Motion Carried

CODE OF CONDUCT FOR EMPLOYEES

- Awareness of Code of Conduct must be on ground for all employees.

RESOLUTION

Moved Cr. Bedford, Seconded Cr. Fell that Council adopt the Code of Conduct.

Motion Carried

TRAVEL ALLOWANCE POLICY

RESOLUTION

Moved Cr. Fell, Seconded Cr. Guivarra that Council adopts the attached Travel Allowance Policy for all persons employed or associated with Torres Strait Island Regional Council. To be known as the Travel Allowance Policy (Number 2010:3).

Motion Carried

LEAVE WITHOUT PAY POLICY

- It was noted in Part 4 of the Policy "*Application of Policy*" Section 4.1 Subsections 1 & 4 that the "*two (2) years of service*" be deleted.

RESOLUTION

Moved Cr. P. Mosby, Seconded Cr. Bero that Council adopts the attached Leave Without Pay Policy for all persons employed or associated with Torres Strait Island Regional Council excluding "*two (2) years of service*" (Section 4.1 Subsections 1&4). To be known as the Leave without Pay Policy. (Number 2010:7)

Motion Carried

It was resolved that Council break for Lunch at 1.15pm – 2.10pm.

Meeting Resumed

- It was noted that Mayor attending an urgent Interview at this time.
- *Deputy Mayor Chairing.*

CLOSED BUSINESS

Moved Cr. Pearson, Seconded Cr. Bero that in accordance with Section 463 of the *Local Government Act 1993* it is resolved for the meeting to go into closed session to discuss section 463 (1) (a) the appointment, dismissal or discipline of employees, 463 (1) (f) starting or defending legal proceedings involving it, 463 (1) (h) other business for which a public discussion would be likely to prejudice the interests of the local Government further the public in attendance are asked to leave

Motion Carried.

- 4.45pm** *In-camera session with Councillors only – CEO, Executive Management and Staff was asked to leave the session at this time.*
- 5.10pm** *CEO, Executive Management and Staff joined the meeting again*

1. ORGANISATIONAL STRUCTURE

RESOLUTION

Moved Cr. Bosun, Seconded Cr. Fell that Council does not believe that the following functions are core business of Council and that other agencies or Government Departments are responsible, as such Council will not provide for these positions past 1 July 2011:

Community Police
Post Office
Centrelink
Rangers
HACC
Childcare
RIBS

The only consideration Council will give in operating these functions is if they are cost neutral.

Motion Carried.

Against: Cr. Guivarra
Cr. P. Mosby

2. TENDER REPORT FOR BADU SEWERAGE

- *It was noted that there was a breach in the tendering process therefore Council will investigate the tenderer who have breached the tendering process and the tenderer concerned will immediately be excluded from this process and cannot be accepted by Council.*
- *Deputy Mayor requested that Councillors be kept updated on the progress of the investigation.*

RESOLUTION

That subject to completion of the investigation into approaches to Cr. Guivarra, Council accept the recommendation of the Project Manager *that the Tender from Goodline for "T0008 – Major Infrastructure Program Round 4B, Badu Island Sewerage Reticulation" for an adjusted tender value of \$2,949,909.60 (including GST), be accepted. Should Goodline be excluded, the tender for Firedam Civil be accepted.*

Motion Carried.

Against: Cr. Guivarra
Cr. P. Mosby

3. CDEP REPORT

Brief update provided by Deputy CEO .

For Council to note.

3.50pm *Mayor joined the meeting at 3.50pm. Deputy Mayor handed chair to Mayor - Mayor Chairing.*

4. ALCOHOL MANAGEMENT

RESOLUTION

Moved Cr. Kris, Seconded Cr. Pearson that Council adopt Alcohol Management in subordinate local law with input from community to ensure whatever subordinate local law is applicable to that particular community and not be misinterpreted.

Motion Carried.

5. TENANCY MANAGEMENT AGENCY ARRANGEMENT

RESOLUTION

Moved Cr. Bosun, Seconded Cr. Bero that Council endorse Chief Executive Officer to enter negotiations for future agency arrangement with Department of Communities for tenancy management processes to be outsourced.

Motion Carried.

Against: Cr. Day

LATE REPORTS

1. MONTHLY INFRASTRUCTURE REPORT

RESOLUTION

Moved Cr. Guivarra, Seconded Cr. Fell that Council receive the attached report and authorise its release to DIP and TSRA.

Motion Carried.

2. WATER SUPPLY FROM AIRCONDITIONING

It was noted that an Invitation be sent to the Consultant to attend the September Meeting in Cairns to address Councillors on this issue.

For Council to note.

3. EXPRESSION OF INTEREST TSIRC 2010-02 ASSESSMENT OF DENGUE MANAGEMENT FOR TORRES STRAIT ISLAND REGIONAL COUNCIL

RESOLUTION

Moved Cr. P. Mosby, Seconded Cr. Guivarra that Council engage Scientific Advisory Services Pty Ltd for the stated amount of \$95,000.00 plus disbursements, as identified in their expression of interest, excluding accommodation, to undertake the works identified in Expression of Interest (EOI) TSIRC2010-02, Assessment of Dengue Management.

Motion Carried.

4. TORRES STRAIT MARINE SAFETY PROGRAM

RESOLUTION

Moved Cr. Bero, Seconded Cr. Kris that Council approves the utilisation of TSIRC on community resources to assist with the implementation of the Torres Strait Marine Safety Program, namely:

3. The roll out of the **Boat Safe** program throughout TSIRC communities
4. The placement of Notice Boards adjacent to boat ramps on which to post **Boat Safe** information
5. The Divisional Manager – or nominee - assume responsibility for the distribution and administration of **Safety Grab Bags** in their community

Motion Carried.

AGENDA ITEMS REFERRED TO CAIRNS MEETINGS

- EBA (HR Manager)
- Water Supply Air Conditioning (Consultant)
- LGOC (Executive Manager Corporate & Finance)
- Housing Issues (Housing Manager)
- General Complaints process Policy deferred to next Council Meeting.

GENERAL BUSINESS

- ★ **Nominated Public Holidays for Communities** – Communities who nominate their Public Holidays and it falls over the weekend, they may opt to take it either on the Friday or Monday, and that's the day it will be gazetted.
- ★ **Circulation of plant operations** – Cr. Fell advised that it was noted in the Standing Committee regarding rotation of plant operations if communities are not using them, but would like to know when will Council start circulating them around communities – needs a Backo for work on their seawall. *Executive Manager Engineering Services to liaise with Cr. Fell.*
- ★ **Housing Manager** – Housing Manager to attend September Meeting in Cairns to discuss housing issues.
- ★ **Donga (Poruma)** – because of overcrowdings and disputes between families Cr. Mosby requested if Council can look into setting up temporary donga in Council area. CEO will look into it.
- ★ **Assets Disposal Policy** – Executive Manager Corporate & Finance to email Cr. Guivarra the Asset Disposal Policy.
- ★ **Funds from TSRA \$(1.8M) and \$500,000 for Ugar dredging.**
 - Agreement that was signed at Warraber was signed and sent back to TSRA included:
 - \$1.8M Climate Inundation
 - \$500,000 – Ugar Dredging
 - \$200,00 – Child Care
 - And funding for other smaller grants
 - The week after it was signed Council was contacted by the TSRA Finance person and was basically told that there was an administrative oversight:
 - The two (2) grants for the \$1.8M and the \$500,000 shouldn't have been included in the agreement given and that even though we signed them there were no funding available.
 - Council received a further letter advising to get the \$200,000 for the child care and for funding for the smaller grants that was included in the agreement in the 22nd June package, Council basically has to confirm in writing not to chase \$2.3M.
 - Council refused to do that because they were stand alone grants and we actually signed the agreement – the Finance Person for TSRA was advised of Council's position.

- Deputy CEO spoke to TSRA and what we got at this time is:
 - \$200,000 for the Child Care
 - An a couple of small agreements
- TSRA has asked Council to sign another Agreement – TSRA having difficulty in printing the applications as the systems are not letting them do it – so just waiting for them to get back to Council.
- Deputy CEO to email Cr. Kris on those letters etc.

TSIRC and TSRA Working Relationship

Mayor:

- Advised that when discussions take place - TSIRC and TSRA at leadership level works well because at the end of the day we are here to service the region.
- respectively request Councillors to highlight that as a concern to administration that these sort of correspondences from TSRA on funding grants that comes through - its like a threat and it shouldn't be like that because at the end of the day there is nothing that we will do to try and jeopardise positions of each other organisation cause at the end of the day we are here to serve.

DEVELOPMENT APPLICATION – UGAR (STEPHEN) ISLAND DWELLING

RESOLUTION

Moved Cr. Pearson, Seconded Cr. Lui that Council note the pecuniary interest for Cr. P. Mosby and Cr. Gela as IBIS Board members and that they are allowed to stay and able to vote.

Motion Carried

Moved Cr. Bero, Seconded Cr. Pearson that Council advise the applicant that it supports the proposal and will finalise the lease agreement with the inclusion of the following conditions:

- a. The applicant is to ensure that development is only undertaken within the boundaries of the ease area;
- b. The applicant is to ensure compliance with the building certifier's conditions provided in letter dated 5 May 2010;
- c. The applicant is to ensure the Native Title consent is obtained prior to commencing any works onsite;
- d. The proposed use is required to be adequately serviced by provision of water supply and sewerage disposal and any infrastructure requirement costs are to be borne by the applicant;
- e. The proposed dwelling may only be occupied by employees of the adjoining IBIS Store.

Motion Carried.

DEVELOPMENT APPLICATION – UGAR (STEPHEN) ISLAND IBIS STORE

RESOLUTION

Moved Cr. Fell, Seconded Cr. P. Mosby that Council advise the applicant that it supports the proposal and will finalise the lease agreement with the inclusion of the following conditions:

- a. The applicant is to ensure that development is only undertaken within the boundaries of the ease area;
- b. The applicant is to ensure compliance with the building certifier's conditions provided in letter dated 6 May 2010;
- c. The applicant is to ensure the Native Title consent is obtained prior to commencing any works onsite;
- d. The proposed use is required to be adequately serviced by provision of water supply and sewerage disposal and any infrastructure requirement costs are to be borne by the applicant.'

Motion Carried.

DEVELOPMENT APPLICATION – KUBIN IBIS DWELLING

RESOLUTION

Moved Cr. Bosun, Seconded Cr. Guivarra that Council advise the applicant that it supports the proposal and will finalise the lease agreement with the inclusion of the following conditions:

- a. The applicant is to ensure that development is only undertaken within the boundaries of the ease area;
- b. The applicant is to ensure compliance with the building certifier's conditions provided in letter dated 5 May 2010;
- c. The applicant is to ensure the Native Title consent is obtained prior to commencing any works onsite;
- d. The proposed use is required to be adequately serviced by provision of water supply and sewerage disposal and any infrastructure requirement costs are to be borne by the applicant;
- e. The proposed dwelling may only be occupied by employees of the adjoining IBIS Store.

Motion Carried.

DEVELOPMENT APPLICATION – MABUIAG ISLAND IBIS DWELLING

RESOLUTION

Moved Cr. Fell, Seconded Cr. Bosun that Council advise the applicant that it supports the proposal and will finalise the lease agreement with the inclusion of the following conditions:

- a. The applicant is to ensure that development is only undertaken within the boundaries of the ease area;
- b. The applicant is to ensure compliance with the building certifier's conditions provided in letter dated 5 May 2010;
- c. The applicant is to ensure the Native Title consent is obtained prior to commencing any works onsite;
- d. The proposed use is required to be adequately serviced by provision of water supply and sewerage disposal and any infrastructure requirement costs are to be borne by the applicant.'

Motion Carried.

DEVELOPMENT APPLICATION – MABUIAG ISLAND IBIS STORE

RESOLUTION

Moved Cr. Fell, Seconded Cr. Pearson that Council advise the applicant that it supports the proposal and will finalise the lease agreement with the inclusion of the following conditions:

- a. The applicant is to ensure that development is only undertaken within the boundaries of the ease area;
- b. The applicant is to ensure compliance with the building certifier's conditions provided in letter dated 6 May 2010;
- c. The applicant is to ensure the Native Title consent is obtained prior to commencing any works onsite;
- d. The proposed use is required to be adequately serviced by provision of water supply and sewerage disposal and any infrastructure requirement costs are to be borne by the applicant.'

Motion Carried.

ISLAND ADOPTION

It was noted that Mayor will finalise letter and email to Councillors on Friday 20th August 2010 regarding Island Adoption.

BUSINESS ARISING FROM PREVIOUS MINUTES - COUNCIL MEETING

■ **Community Grants Guidelines**

- Cr. Guivarra expressed his concerns that he was still not satisfy with the what was discussed at the last meeting on the community Grants Program because he did not attend the last Council meeting.
- Cr. Kris advised that particular grant stemmed out from the discussions at a Council meeting held in Cairns about sponsorship for Sporting Organisations so that members could be aware of how much they've got in their bucket of money.
- Cr. Kris raised concerns as discussed with the Mayor that when applicants apply for the grant and if it's an asset eg buying musical instruments (band set) for youth:
 - is Council going to run this as a loan system where any community organisation can use the grant to buy something for themselves using community organisation as an auspice;
 - will the asset be owned by the applicant applying for the grant ; or
 - will it be owned by the Community Organisation: or
 - whether it's the Regional Council; and
 - is it something we need to put a policy on
- Mayor reiterate Cr. Kris comments advising:
 - There is going to be potential opportunities there for that organisation if they were going to hire the asset out.
 - would safeguard Council from any future applications that comes through so if its for musical instruments we know that there is an organisation there that hires musical instruments out rather than approving 10 different applications for musical instruments.
 - so just to alleviate that same issue that's something that could set a precedent.
 - We do have a lot of church groups throughout the region – not saying that we not going to support church group.
 - This is something that Councillors need to think about, that Council needs to manage too as well on the rules of engagement.
- Manager Corporate & Finance to:
 - Clarify this issue further with Cr. Guivarra
 - Provide full conditions or grants criteria's to Cr. Guivarra.

CONFIRMATION OF MINUTES - COUNCIL MEETING

Moved Cr. Fell, *Seconded* Cr. Pearson that the minutes of the Ordinary Meeting held 17th & 18th June 2010 be adopted as true and accurate.

Motion Carried

Against: Cr. Guivarra

MAYOR CLOSING REMARKS

With no further discussions, Mayor thanked:

- Executive Management and staff in providing that Agenda/information out to all Councillors.
- Hope that at the next meeting do not have to make amendments to agenda booklets as to the proceed of the meeting
- Express sincere gratitude and thanked everyone for their time and commitment to attend the meeting.
- Thanked Cr. P. Mosby and Community for their hospitality and the gratitude shown to everyone during our stay at Poruma.
- Look forward to Council's next discussions at Mer
- Will keep in close discussions regarding the Special Meeting in Cairns and will liaise directly with Councillors.

6.15pm Meeting closed in prayer Cr. P. Mosby.


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Cr Fred Gela
Mayor


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Mr John Scarce
Chief Executive Officer