

**Torres Strait Island Regional Council (TSIRC)
Ordinary Meeting
Held at the *Dauan Community Hall*, Dauan Island
Wednesday 19th October 2011**

WEDNESDAY 19TH OCTOBER 2011

Present: Cr. Fred Gela, Mayor
Cr. Donald Banu, Division 1 – Boigu Island
Cr. Torenzo Elisala, Division 2 – Dauan
Cr. Ron Enosa, Division 3 – Saibai Island
Cr. Keith Fell, Division 4 – Mabuag Island
Cr. Wayne Guivarra, Division 5 – Badu Island
Cr. David Bosun, Division 6 – Kubin, Moa Island
Cr. Toshie Kris, Division 7 – St. Pauls
Cr. Nancy Pearson, Division 8- Hammond
Cr. Fraser Nai, Division 12 – Yorke
Cr. Florianna Bero, Division 13 – Ugar
Cr. Ron Day – Division 15 – Mer Island
Mr. John Scarce, Chief Executive Officer
Mr. Anthony Bird, Executive Manager Corporate & Finance
Mr. Patrick McGuire, Executive Manager Engineering Services
Mrs Dinah Sailor, Executive Secretary.

Observers: Nil

Apologies: Cr. Kenny Bedford, Deputy Mayor, Division 14 - Erub
Cr. Walter Mackie, Division 9 - Iama
Cr. Willie Lui, Division 10 - Warraber
Cr. Phillemon Mosby, Division 11 – Poruma Island
Ms Dania Ahwang, Deputy CEO
Mr. David Abednego, Executive Officer
Mr. Chris McLaughlin, Chief Legal Officer
Ms Jess James, PR & Media Officer

9.00am: Meeting opened in prayer by Cr. Enosa

It was noted that Cr. Kris joined the meeting at 9.30am.

DEPUTATION - Nil

MAYOR OPENING REMARKS

- ✦ Mayor
 - ✦ Advised Councillors that because the Agenda for today is jammed packed it is very important that with the discussions there will be some time given to allow the debate, but there will also be a time where the debate will be brought to an end.

- ✚ It would have been helpful if the meeting was kick-started yesterday, but due to accommodation issues, Executives had to fly in and out today of the meeting.
- ✚ Welcomed Mr. Ted Fraser Nai who will be sworn in today as Councillor for Yorke Island.
- ✚ Encouraged Mr. Nai that should he come across any matters he may face, there is a range of expertise around the table, all he has to do is ask, and Councillors will be more than happy and willing to assist.

OATH OF OFFICE – MR. TED FRASER NAI

Mayor welcomed and Congratulated Mr. Ted Fraser Nai who was the only candidate nominated for Councillor for Division 12 – Yorke Island.

Mayor handed the meeting to the CEO to proceed with the Oath of Office for Mr. Ted Fraser Nai.

Mr. Nai read and signed the Declaration of Office as he was sworn in as Cr. Ted Fraser Nai, Division 12-Yorke Island, Torres Strait Island Regional Council.

Cr. Nai was officially welcomed by Cr. Gela, with applause from fellow Councillors.

ACCEPTANCE OF APOLOGY – COUNCILLORS ABSENCE

APOLOGIES NOTED

Cr. Bedford, Deputy Mayor, Division 14 – Erub (*attending Bilateral Meeting PNG*)

Cr. Walter Mackie, Division 9 - Iama (*Attending TAFE Course in Cairns*)

Cr. Willie Lui, Division 10 - Warraber (*Attending TAFE Course in Cairns*)

Cr. Phillemon Mosby, Division 11 – Poruma Island (*Attending TAFE Course in Cairns*)

Cr. Bedford

Moved Cr. Guivarra, Seconded Cr. Fell that Council accepts the apology from Cr. Bedford for his absence at this meeting.

Motion Carried

Cr. Mackie

Moved Cr. Enosa, Seconded Cr. Banu that Council accepts the apology from Cr. Mackie for his absence at this meeting.

Motion Carried

Cr. Lui

Moved Cr. Day, Seconded Cr. Bero that Council accepts the apology from Cr. Lui for his absence at this meeting.

Motion Carried

Cr. P. Mosby

Moved Cr. Pearson, Seconded Cr. Fell that Council accepts the apology from Cr. P. Mosby for his absence at this meeting.

Motion Carried

ACCESS OF POLICY DOCUMENTS FOR NEWLY APPOINTED COUNCILLOR FOR MASIG

- Mayor advised for the benefit of the newly appointed Councillor for Masig:
 - ✚ As there is only 5 months left before the new Election and the Caretaker mode commencing in January, Cr. Nai needs to be provided with a summarized version of all of the policies endorsed by Council for him to peruse at his own leisure.
 - ✚ As everything is governed under a policy, this will assist him in the whole process going through the functions of Council from recruitment to disciplinary, to complaints, even Entitlements for Councillors.
 - ✚ Cr. Nai to contact the Mayor and Councillors on any queries he may have on the policies or anything else that he needs.
 - ✚ CEO to ensure that Cr. Nai has access to all of Council's policies and also that he is provided with a computer and mobile phone.

CONFIRMATION OF MINUTES – COUNCIL MEETING

Lay on Table.

ELECTION CARETAKE PERIOD

- CEO informed Councillors of the provisions under the caretaker period:
 - ✚ Councillor cannot make any major policy decisions during that period as all decisions made at that time will be invalid.
 - However, Council need to be very careful, as we could still run the risk if endorsing a decision during that time for a third party that relied on that mayor policy decision and it turns out it is invalid, that company can seek compensation and that would be an expense to Council.
 - The other option is to bring that major decision to the attention of the Minister for Local Government to make a ministerial decision and he agrees with Council then it's made a valid decision.
 - ✚ Based on information received from the Electoral Commission of Queensland:
 - They advised the Government that they need at least a two month clear window between the Local Government Election and the State Election.
 - If Premier Bligh doesn't call an election in November for the State or very early in December (1st week in December), then that Local Government Election is going to change to a later date within the year, so it might be May, June before the election is held and Councillors term could be extended a couple of months

- ✦ The date of when the caretaker provision starts is only in accordance with the Local Government Act.
 - The Act states that by Regulation the election for Local Government could be held anytime within that triennial year so the Minister for Local Government could change that date from April, May, June, July, August, whatever Minister decides.
 - The Legislation states when the Election is called that is the date that the Electoral Roll is virtually called.
 - So if the Election is set for 29th March 2012, then the election will be called approximately 60 days prior to that day which is around the 27th January 2012 - that is when the caretaker provision would commence.
 - Because of our cycle of Council Meeting every two months, it would affect us at this time because:
 - there is a meeting today and another due in December.
 - next one would have been February (which would be right in the middle of the caretaker provision and any major decisions would be invalid)
 - if we were going to make decisions either nun avoid or we need to get the Minister approval, the other thing would be that if the State Government is also in caretaker provision that the Minister cannot give ministerial approval as well
 - So what the resolution is - is that we change our February Ordinary Meeting to just prior to the caretaker provision in January so that we get another meeting in before the Council Election.
 - They call the Election 27th January – 26th is Australia Day.
 - Therefore Council meeting would be held around the 23rd/24th January 2012.
- ✦ CEO brought this to the meeting because traditionally Council have not had a December meeting and if we don't have a resolution on this now then we will be stuck but there's nothing stopping this motion to be rescinded at the December meeting if things change if we do have that meeting.
- ✦ CEO in response to Cr. Guivarra:
 - State Government Election cannot go pass 3 years – their last election was 2009, so they have to have an election.
 - There is no debate, Premier Bligh can't call it any later than March, she has to call it by then otherwise it will just be mandatory done anyway and that's where it hits Council.

RESOLUTION

Moved Cr. Pearson, Seconded Cr. Banu that Council change its February 2012 Ordinary Meeting to January, just prior to the caretaker period.

Motion Carried.

AUSTRALIA DAY AWARD

• CEO

- As mentioned at the last meeting in relation to the Australia Day Awards letters have been sent to the Mabo family requesting feedback on Mabo Day Awards.
- In keeping with what the Council's resolution was at the last meeting on Hammond, that we continue on with the Australia Day Awards, we are now looking at calling for a selection panel or judging panel of 3 or more Councillors to select the recipients of these awards.
- Nominations called for as follows:
 - Cr. Pearson nominated Cr. Banu.
Cr. Banu Declined
 - Cr. Gela nominated Cr. Pearson and Cr. Bero
Cr. Pearson and Cr. Bero accepted
 - Cr. Enosa nominated Cr. Fell
Cr. Fell accepted
 - Cr. Fell nominated Cr. Guivarra
Cr. Guivarra accepted
 - Cr. Banu nominated Cr. Nai
Cr. Nai accepted
 - Mayor advised that he will make himself available also to sit on the panel.
- It was noted
 - that Cultural Award is extracted from Australia Day Award and move to Mabo Day Award
 - In the Categories for Australia Day Awards, the Achievement Award is to be dubbed by 15 (one constituent each from the 15 Communities).

RESOLUTION

Moved Cr. Elisala, Seconded Cr. Enosa that Council select a panel of Judges to assess Australia Day Award nomination and select an award recipient in each category. Judging Panel are:

- Cr. Bero
- Cr. Pearson
- Cr. Fell
- Cr. Guivarra
- Cr. Nai

Motion Carried.

SHUTDOWN CHRISTMAS PERIOD

- Cr. Guivarra
 - Expressed his concerns on forcing employees to take any leave they accruing during that period.
 - Requested to look at some way around that because employees may have reason to take their holidays at Easter or any other time of the year.
 - If this is going to be Council policy employees will be forced to exhaust their leave for the Christmas period given no choice.

- It was noted that during closure of office at Christmas break:
 - Employees can take 3 days annual leave to use up during that period, the rest is public holidays.
 - Office will have restricted opening hours (2hrs) for sale of power cards etc, during closure of office.

RESOLUTION

Moved Cr. Nai, Seconded Cr. Pearson that Council endorse the close of all Council Office for Christmas Shutdown from Close of Business on Friday 23/12/2011 and re-opening on Tuesday 03/01/2012 for normal hours.

Motion Carried.

Against: Cr. Guivarra

DEBTORS UPDATE

- It was noted
 - Council actually holds a Bad Debts Register and will hold that basically indefinitely.
 - the 6yrs relates primarily to Council's ability to recover debts from individuals.
 - If they come back to the community inside of that 6 yrs they not exactly lost off our debtor file, the debt is still there.
 - When Council write-off bad debts their names will still be on the list that will be given to the Department of Housing.
 - There is an Agreement that we have with Department of Housing of the Tenancy Management, and there is a clause within there that for the allocation of homes, they are to take into consideration any past debts of the Island Councils or the amalgamated councils in making their decision for the allocation of homes.
 - There are measures in place of some of the issues raised by Councillors so that it can't happen – individuals can come back into the community but that does not mean they will get a house, they will be facing the same debt the left in the community.
 - The debts are written off for financial statement purposes and are more of a financial process so does not need a policy to cover ourselves in case audit picks it up, so you won't actually see these numbers forming part of our outstanding arrears in the financial statement.
 - At this stage we have exhausted our ability to track these people with outstanding debts.
 - Unable to track these people to recover the debts but can always reinstate the debt if we get information from individual Councillors of the whereabouts of these people.
 - All debts are entered into Council's computerised Financial System if its been entered by the Debtors Officer. If it hasn't we need to get hold of that information so that it could be entered and followed up and recouped.
 - Our systems are not that sophisticated that they can match up application for tenancy with our financials we just don't have that sophistication in our systems be able to do that.
- *Executive Manager Corporate & Finance will check with the acronym as queried by Cr. Elisala "MPD's" and get back to Cr. Elisala on this.*



- Further discussions noted:
 - Mayor declared his conflict of interest referring to Debt CRN 1320 for Mr. Rocky Gela as he is the Mayor's cousin and is registered in the Bad Debt Register:
 - Noted CRN 1320 - address that the invoice was sent to may have been sent to the wrong place.
 - Mayor Gela is aware of where Mr. Rocky Gela is in Cairns
 - CEO advised that the Council remove the debt CRN1320 from the list, the main reason being is any perceived conflict of interest with Rock & Nancy Gela and the ability to be able to track them down in light of the recent information provided by Mayor Gela, and the effort to recoup \$8470 which is actually worth chasing up.
 - The two debtors as per Cr. Guivarra's information provided will follow up and recoup the monies owing from them.
 - However if Councillors have any other information in relation to any of the amounts of where they could be especially those who have been "returned to sender", Council will follow up even though they have been written off.
 - Council will strengthen that process further if Councillors & Divisional Managers have any further information before any debts are provided to council to be written off.
- Executive Manager Corporate & Finance:
 - to liaise with Mayor Gela on the address for Mr. Rocky Gela and follow up on recouping that debt.
 - That Mrs Nancy Gela's name is removed from CRN1320 as she is now deceased.
 - Provide information to Councillors on the list of debts to be written off prior to it being presented to Council so that Councillors can be involved in identifying and retrieving debts owed.

RESOLUTION

Moved Cr. Fell, Seconded Cr. Nai that Council write-off the attached debtors from its Debtors file as presented.

Further in light of the recent information provide by Mayor Gela that the motion be amended to remove Debt CRN1320 and look at recouping the \$8470 from the individual as the address used was incorrect.

Motion Carried.

CASH WRITE-OFF BADU ISLAND

- It was noted that some cash is still going through the books at Badu because of the Divestment of Enterprises where they continue to take cash because of processes around the EFTPOS machine at the fuel bowsers etc.

RESOLUTION

Moved Cr. Nai, Seconded Cr. Elisala that Council write-off \$709.80

Motion Carried.

Cr. Banu left the meeting 10.20am returned 10.25am

LGOC CONSTITUTION AND STATEMENT OF CORPORATE INTENT

- It was noted
 - that Councillors request the opportunity to peruse through document and raise any questions or issues they may have on the document.
 - TSIRC through the Statement of Corporate Intent basically dictates What LGOC intentions should be, in determining how they behave as a Company in terms of its purchases, profit margins (how it comes back to Council) etc.
 - LGOC is a company that is established commercially – it's a business entity, and is separated an arms length and operates independently from Council.
 - The only dealings Council have are through these pieces of documents, these are the instruments, and also taking into account that the Mayor and the CEO also sits on the Board.
 - Mayor referred members to pg 18 of the documents where it states "**Information to be given to the Shareholder of the Corporate Entity, including Quarterly and Annual Reports.**"
 - The Company is actually required to provide these reports and this is where the communication line comes back to TSIRC in relation to everything that the Company actually does.
 - Directors expense comes out of the Building Construction and not Council's Budget
 - Stats will be provided at the next Council on indigenous Apprentices and Tradespersons.
 - 95% of the Company is indigenous people.
 - Council has the ability to shut down this Company with one Resolution.
 - Councillors to look at a distinct language name (where it captures both sides of the two main dialect that is used in the Torres Strait) for the branding of the Company as at the moment it is called Torres Strait Island Regional Constructions (TSIRC) Team, which has the same acronym as Council.
 - Councillors to look in their Community for Apprentices, Trainees and Tradesperson who they think would be:
 - part of the Construction team
 - their best worker and bring value to the team
 - prepared to do the hard yards and be able to travel (Island hopping)
 - Councillors to bring their names to the table as they will fall into the structure that has been determined to look at going forward. The Company needs to expand anyway in looking at what it would be delivering.
 - Councillors to email Executive Manager Corporate & Finance on any queries they may have while perusing the document so that he can globally respond, however, if its anything to do with the Constitution it may have to wait for the Chief Legal Officer or go back to Andrew Kerr on the Board.
 - Executive Manager Corporate & Finance to provide stats at the next Council meeting in relation to make up of the Company and update on what the Company is doing now.
 - Councillors to flick through their ideas, language names interpreting them as well to Executive Manager Corporate & Finance.

- ✦ Executive Manager Corporate & Finance to flick an email to Councillors to remind them in providing and identifying Apprentices, Trainees and Tradesperson in their community and bring the list of names to the next Council meeting so that Council could actually look at them.
- ✦ Mayor
 - ✦ The Board has identified the work load that Kon is responsible for not only requires him to carry the nail bag and supervise but to also to paperwork.
 - The Building Team at this time is already struggling to deliver the 9 houses because of the lack of appropriate supervision.
 - Kon needs to apply himself to what his strengths are which is to lead the team on ground, and his responsibility on the paper work needs to be carried and administered from another avenue but not by him.
 - Need to look at setting up in Clusters the ability to have a dedicated supervisor, the person with the expertise and skill in one area to have a team with them in order to deliver the construction.
 - In the past one builder cannot go and deliver in 3 to 5 communities
 - ✦ Mayor welcome the input from Councillors in terms of the names of the people you identify in your community.
- ✦ Cr. Kris
 - ✦ Advised he mentioned before in this very same room on how do we put Executive Managers in Communities and that community then looks after that portfolio.
 - ✦ Maybe this could be a trial run for the Construction team where Council allocate one community to become a specific administration centre for the building team and everybody just does Island hopping working.
 - ✦ That way Council creates employment for local community members where we actually get money out of that allocation of the roll out of the housing funds (\$30M – 10% to our region).
 - ✦ It was noted that this issue raised by Cr. Kris be brought to the table at the December meeting as an item to be debated.
 - ✦ It was noted that Council let this Report LAY ON TABLE till the next Council meeting in December 2011.

It was resolved that Council break for morning tea at 10.50am – 11.15am

LGOC BOARD REMUNERATION

- ✦ It was noted
 - ✦ Some remuneration would be thought to reflect the expertise that's on the Board.
 - ✦ The numbers shown has been benchmarked with a number of other Government Owned Corporations in accordance with those fees that are made with the Port Authorities.
 - \$20,000 per annum for Directors
 - \$30,000 per annum for Chair of the Board.
 - And also to the Corporatisation committee members at this stage.
 - ✦ At the moment the Corporatisation committee meets every fortnight and are very committed to seeing this particular business get up off the ground and running well.

- ✦ The remuneration applies to Corporatisation Committees members Mr. Kerr, Mr. Jessup and Mr. White and applies also to whoever the Board is as well.
- ✦ If Council doesn't want those particular people on the Board of the LGOC that is a Council decision.
- ✦ If Council attract a community member with the expertise and skill to the Board that applies to them too
- ✦ need to ensure that Council is not allowing people who may have pecuniary interests participating at the Board level such as Seaswift who has monopoly on freight – need to look at minimizing the impact of double dipping.
- ✦ The LGOC being a Local Government Owned Corporation is subjected to the many policies that Council are subjected to – as such they are also required to be audited in the same manner as Council.
- ✦ At a previous LGOC meeting Mr. White spoke very strongly about having the Mayor as the Chair of the Board and that view was reflected by the other members as well on that particular Board.
- ✦ With regard to the monopoly that Seaswift has, that something that we live with every day, just because Mr. White is on the Board doesn't preclude council from having those commercial discussions with new players who comes in and wants to start talking to Council.
- ✦ The remuneration only applies to external members therefore it is not applicable to the Mayor and the CEO.
- ✦ As Cr. Gela & Cr. P. Mosby cannot receive fees for sitting on the IBIS Board because they already in receipt of remuneration though the Local Government, the same applies to TSIRC, any Local Government employee that sits on the Board will be excluded from receiving these funds.
- ✦ Cr. Kris moved the motion on the basis that Council make a set policy that the Chair will always be a Torres Strait Islander.

- ✦ *CEO to clarify further referring to the Constitution that **Chair of the Board be of Torres Strait Islander Descent can be included in with the Statement of Corporate Intent.***

RESOLUTION

Moved Cr. Kris, Seconded Cr. Day that Council adopt the following remuneration structure for the Board of Torres Strait Island Regional Constructions;

- \$20,000 per annum for Directors
- \$30,000 per annum for Chairperson.

And,

That Council applies the remuneration structure to the Corporatisation Committee members.

Motion Carried.

BUDGET REVIEW – INCORPORATING LGOC AND EXPENDITURE

- It was noted
 - ✚ That the Budget now includes:
 - additional funds received from the State Government for policing (\$2.6M) and the other injection of \$5.45M for Council operation.
 - ✚ Looking at progressing a bit further with the LGOC and the advice from the Minister regarding its operations and were hoping by now that the LGOC would have been able to adopt a budget in its own right.
 - ✚ When Council adopted the original Budget in June the Building Team was completed excluded from that Budget.
 - ✚ This is bringing that Building Team back into Council accounts and is more of a legislation reason why we doing that because at the moment the expenditure by the Building Team has never been adopted by Council.
 - ✚ As Council have not receive any advice from the State Government that the LGOC is an entity in its own right, Council actually need to bring those building accounts back into the Council Budget for the interim.
 - ✚ There is really no change to our Budget for the Revenue coming in and the Expenditure going out.
 - ✚ In that respect in terms of our Budgeted position we really no better off.
 - ✚ The reason for the small deficit was the continuation of some of the small enterprises in the Divisions - they have been budgeted to 30th April 2012.
 - ✚ Realignment and Redundancy:
 - On the 30th September there were around 30 redundancy processed.
 - Regardless the positions was vacant at that time Council opted to look at managing an internal recruitment process providing those employees in positions that was going to be made redundant, every available opportunity to apply.
 - No one applied for the positions - a lot of the employees opted to take the redundancy packages.
 - This left Council with 61 vacant positions
 - Council knew the impact it would have in the communities so moved quickly and swiftly to try and minimize that impact
 - It wasn't a demotion for our people, they were given every available opportunity, and Council went in and fought for to get more money.

RESOLUTION

Moved Cr. Fell, Seconded Cr. Enosa that Council adopts the revised 2011/2012 Budget as presented, including:

- Budgeted Financial Statements for 2011/2012 and the following two (2) financial years, pursuant to s99 of the Local Government (Finance, Plans and Reporting) Regulation 2010 which requires statements of:
 - Financial position;
 - Cash flow;
 - Income and expenditure;
 - Changes in equity;
 - The long term financial model

Motion Carried.

MONTHLY INFRASTRUCTURE REPORT JULY/AUGUST

▼ Cr. Kris

- ✚ Effluent in the pond at St. Pauls – problems with the breakdown of solids.
- ✚ My problem is that because when they build the pond we picked those site because of the wind movement that would help turn the water to help tune the solids down, but when we don't get any wind that's when I told the Contractors that its nearly two months therefore you are going to have solids and just concern that it will effect the fish that we catch at the other end of the reef
- ✚ Executive Manager Engineering
 - Council has three (3) types of plants:
 1. Enviroflow Plants at Saibai, Boigu, Yam and Mer – with those we have issues the bacteriological quality
 2. Enviroflow Plants at Mabuag, Warraber, Masig and Darnley – the general issues we have with those are nutrients aren't fully removed, and have to dose them with dog biscuits and sugar.
 3. Ponds at Badu, Kubin and St. Pauls – they give us about the best results.
 - Two licenses requirements (1) suspended solids (2) quality
 - There is growth of slimes that goes out with the effluent and those slimes increase the suspended solids.
 - The numbers aren't really that high they just a little bit above where they should be and usually that rights itself and we don't have any problems.
 - If it's going to be a problem I will look into putting in a stone fill to try and fix that but St. Pauls is one of the best performing treatment plants that we've got.
 - it's not the solid from the plant it's the solid from growth of the weeds and the algae – its not a public issue.

▼ Cr. Kris

- ✚ At this time of the year we go into water restrictions – I have spoken with the rangers and will bring it up again but would certainly like a report from your unit identifying the fact that every time we put fire to the whole island that's when our water table drops and then we have to move directly into water restrictions.
- ✚ We don't have much money identified in our reports to fix that issue but one of the actions we could take is work together with the Rangers in looking at managing fire systems on Moa.
- ✚ Executive Manager Engineering advised have also identified some a storm water re-use grant where they calling for funding to use reuse water so I have looked into whether or not we can make an application to increase the size of the lagoon at St. Pauls on the basis that they are in fact catching storm water
- ✚ Executive Manager Engineering Services and Cr. Kris work together with Rangers in looking at managing fire systems on Moa to avoid water restrictions and identify storm water reuse grants. Cr. Kris will send notes to Executive Manager Engineering Services.

▼ Cr. Fell

- ✚ Commended Executive Manager Engineering on his report, but queried why Erub Ugar and Dauans samples haven't been sent to Cairns.
- ✚ Executive Manager advised:

- Erub – the Divisional Officer was away
- Ugar and Dauan – always generally have issues with having to match water samples with choppers, the only way we could get samples out the is by chopper and we have to coordinate it and this month we were unable to do that. We aim to do every month we average about 1 month in 3.
- Cr. Elsala request that the testing be reduce from 3 to 2 months...as above – concern that anything could happen in 3 months
- Executive Manager Engineering
 - advised samples has to be in Cairns lab within 24 hrs.....just a matter of coordinating with Chopper in meeting the Qantas flight in the afternoon.
 - Can portable testing can be done but its expensive.
 - The State Government and the Regulator are happy with our frequency of testing – they come and they regularly inspect our teams and are confident in our level of operation.
- Cr. Banu
 - Boigu – new desalination plant
 - Executive Manager Engineering
 - Council passed a contract last month.
 - The contract is about to start and will be onsite within the next month.
 - Have a meeting with contractors on this issue and will be able to give Cr. Banu their actual program tomorrow.
 - Will work in two groups starting about a month apart....Boigu will be in the 1st Group.

RESOLUTION

Moved Cr. Bero, Seconded Cr. Pearson that Council receive the attached monthly reports for July and August and authorise release to DLGP and TSRA.

Motion Carried.

BUSINESS ARISING FROM PREVIOUS MINUTES - COUNCIL MEETING

- Review of the Community & Corporate Plan
 - Envisaged a meeting will happen after next Council meeting in December.
 - Looking at two (2) days to hold the meeting
 - Just waiting on availability of Councillors to lock in dates for the meeting.
- Hammond – Mayor & CEO visit.
 - *CEO will liaise with Executive Officer that the preference for Community visits by the CEO & Mayor is a Saturday.*

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- Granny Flat – Ugar Island
 - Cr. Bero requested and update on this if it has been followed up.
 - CEO to liaise with Deputy CEO to contact Cr. Bero for an update on this issue.

- Sports & Recreation Officer (TSIRC Employees)
 - CEO apologized that a paper was to be presented at this meeting to discuss the issue of TSIRC employees who are members of Sports & Rec Officers and their availability to attend Sports & Rec Meetings.
 - It was noted
 - that a paper will be developed and presented to the Council Meeting in December.
 - CEO confirm will grant those TSYRSA reps (TSIRC Employees) leave to attend the Sports & Rec Meetings as requested by Cr. Guivarra.

- Fencing Program – Badu
 - Executive Manager Corporate & Finance gave a brief update.
 - One of the hold up was trying to understand the length of fencing that was needed.
 - David Griffin whilst at Badu measured up the length of fencing and once we received the measurements that went to suppliers for a quote and the materials have been ordered for that particular fence.

- Facilities for Council Operators - Hammond
 - Update on toilet block for Council Operator regarding Native Title Issues
 - The toilet block is about to be completed.
 - It proceeded in accordance with the Council's resolution at the last meeting held on Hammond.
 - The grey water lines were put in and provisions were made for the black water but that wasn't installed until the sewerage system is undertaken.
 - The Native Title implications have been resolved through the Liaison Officer.
 - Cr. Pearson clarified
 - Mr. Mills is not a Hammond Island Elder.
 - Mr. Mills is an elder for the Kaurareg Land Trust.
 - Kaurareg Land Trust - their scope is basically Horn Island.
 - With the claim that is sitting over Hammond Island – once of the claimants was sitting at that meeting – the PBC of Kaurareg Aboriginal Corporation.
 - Again Cr. Pearson stated her case that at that meeting at Hammond because they were in the footprints of existing structure, there were no Native Title implications.
 - Mayor
 - Its replacing an existing facility but the dialogue has occurred

- Mabuiag Terminal
 - Cr. Fell was happy to advise that it was being painted as he left Mabuiag to attend this Council meeting.

- Staff Uniform

- No changes from the email sent by CEO after the last Council meeting.
 - NNT advise they would have it delivered to Council in the 2nd week in November.
 - Councillors should expect theirs well before the end of November
 - Need to go through the staff uniforms to see who is still employed with Council.
 - Those who are still employed by Council will get theirs in December.
 - Those who aren't Council will use the left over uniforms to cloth the other staff that did not go through the process of ordering.
- Fuel Orders - Dauan
- Council has just signed a memorandum with Seawift and Seaswift is putting in a new tank on Saibai.
 - Part of the deal within the memorandum is that my understanding is that this is why we got to check the top western islands of Boigu, Dauan and Saibai will be on the rotation that we do not put purchase orders in for fuel.
 - Every time Seaswift turns up they will top up tanks every single week as they go through and will just bill the Council for the amount of fuel they put in – so its a trial to get it going.
 - Once the tank is set up at Saibai it will all start rolling out probably by Christmas time.
 - Boigu, Dauan and Saibai are underneath that agreement and will get their tanks topped up every week, but just need to be careful that you don't run out of fuel in 6 days.
- Spelling Error
- Pg 29...Comments by Cr. Kris under Divestment of Enterprise (Child Care Centre at St. Pauls) – "not sure Council has the money to build it seems...." should read '*more viable*' and not '*move*'.
- Divestment of Enterprise
- It was noted that at the last meeting on Hammond it was mentioned that a report on the Divestment Process will go to the Council meeting in December due to the unavailability of the Chief Legal Officer at this time.
 - The Chief Legal Office is on leave and will return before the Council meeting in December.
- Fuel/Gas – Mabuia Island
- Cr. Fell raised the issue with regards to the fuel and gas issues on Mabuia – have been out of fuel for a period of 3-4 months and lately have not had any gas for the last two boats.
 - Mayor advised he clearly identifies where the issue is and it needs to be addressed down on ground and it is something that the CEO and Executive team needs to look into and fix it.
 - The actual issue is that Orders haven't been raised in the community.
 - CEO to address this issue to the relevant Executives to raise this with the appropriate staff down on ground.
- Australia Day Awards

- Update on the issue raised by Cr. Kris referring to an allocated amount being made available to community on the Achievement Awards being dubbed by 15 giving each Community the opportunity to have a constituent from that Community endorsed and be gifted with that award.
- If the awards are going to be anything such as trophies or plaques need to determine what budget allocation is to be made.
- Traditionally an Australian day award is a certificate and a medallion which is all provided by the Australian Day Committee which are minted and sent out to every local authority in Australia.
- If you going to deviate from that certificate and medallion, it would cost about \$10 -\$15 to buy them, however, need to know what it is that you wishing to give as the award for that achievement award.
- Mayor
- It was only the Cultural Award going across to Mabo Day Award – awaiting on advice from Mabo family now in relation to what category they want to look at also.
- Mayor
 - Have not received any information in relation to what other awards that supposes to be emailed through from Councillors.
 - Encouraged Councillors to email their suggestions to P R & Media Officer in relation and referencing the discussions raised at the last Council Meeting on Hammond.

CONFIRMATION OF MINUTES - COUNCIL MEETING

Moved Cr. Fell, Seconded Cr. Pearson that the minutes of the Ordinary Meeting held 17th/18th May 2011 be adopted as true and accurate.

Motion Carried

It was resolved that the Council break for Lunch at 12.40pm.

LATE REPORTS - Refer to Closed Business

GENERAL BUSINESS

- **Community Protocol - Hammond**
 - Cr. Pearson raised concerns during an experience by Surveyors sent in by DERM to Hammond and the protocol in place for people visiting communities.
 - With Hammond being so close to TI there is the perception that Hammond is part of Torres Shire Council and is a public access free to anybody and everybody.
 - There are land issues on Hammond especially when it comes down to boundaries.
 - Council office is the first point of call for any of the visitors on the outer Islands.
 - Its all about maintaining safe communities and Council should be taking a stance across the board that anybody,

Government Agencies etc, must adhere to the current protocol in place prior to engaging in any business they may have in our communities.

- ✚ Cr. Pearson advised that this will not be tolerated on Hammond, and if people do not provide information to Council as Trustee to DOGIT that covers the land they will be asked politely to leave.

- ✚ It was noted:

- As part of the Local Laws, Chief Legal Officer wrote to every single Government Department of the protocol in relation to under the Local Law.
- There shouldn't have been any excuse from the Departments as they were aware of the protocols in place.

- ✚ Chief Legal Officer:

1. Reissue the same letter to all Government Departments regarding the protocol in place.
2. Discussions to occur directly with the Program Office because of the current climate now and the issue that has risen in relation to that.

- ✚ Previous Staff Housing – St. Pauls

- ✚ Cr. Kris raised concerns on the previous staff houses on St. Pauls on whether they still follow the same process as to the allocation of those houses by the Community Forum and himself when deciding who is next on the housing list for that allocation.

- ✚ Cr. Kris was concern that given the incident at St. Pauls 6 months ago the forum felt they didn't have the ability or the authority anymore to make decisions on housing – it's a big misconception of the outcome of that issue they had with allocation of housing.

- ✚ If they still go ahead regardless, and the forum don't want to be on board in making the decision, would Council then feel that Cr. Kris could make the decision as sole Councillor for that community.

- ✚ CEO advised:

- The process has always been the same and that they provide a recommendation which is weight up against the wait list.
- Manager Housing & Deputy CEO will be able to provide Cr. Kris with the entire wait list for Cr. Kris to do and put in recommendation for those houses.
- CEO advised that Cr. Kris his recommendation would carry weight, referring to his comments regarding what his community have gone through with one of their previous presumed staff housing where the Community Forum didn't want to make a decision anymore.

Social Housing

- ✚ It was noted that

- Council can identify any social houses in any other community and make an application to the Department of Communities to remove them.
- Need to give an explanation of what and why they are being removed from the Social Housing Register.
- The Department will then go back and look at the Community's past performance on how much own source money that the community has put into the housing network.
- Once it is taken off the Register they become Council's responsibility and therefore cannot access the QBuild maintenance.

- Council has to be prepared to maintain every single bit of those houses if they are taken off the Register
 - It would be a Council decision to send them across to those enterprises for them to utilize or whether we have a lease arrangement with them.
- Divestment of Enterprise - Boigu
- Cr. Banu referred to his initial request on whether the enterprises on Boigu could be divested in the Community Based Organisation as he noticed in the recent Torres News all those enterprises have been put to open tender.
 - Still in the process of establishing their Community Based Organisation - the delay was because the Chief Legal Officer was on leave but was more than happy to assist the Community to establish that.
 - the concept of divesting into the Community Based Organisation was discussed with the Deputy CEO and the Chief Legal Officer to try and set up the alternative organisation.
 - Have document that already been funded and professional Consultant been engaged to look at the viability and it is a viable concept based upon the aspiration of the people.
 - CEO
 - Advised if the Community has an interim committee of people not incorporated at the moment then they can put in a tender for it.
 - If Council chooses them to be successful at the end of the day then Council will assist them in getting incorporated to take it on.
 - Council is not allocating any of the tenders at this stage for Boigu and there's nothing stopping Council just allocating them to the Community Based Organisation once it's set up.
- ILUA Issue for Poruma Sewerage
- CEO provide clarification on Cr. Banu's query on the ILUA negotiated by Mr. Andrew Kerr of Preston Law for Poruma on the Sewerage Project where PBC and Traditional Owners signed off on a single document but did not understand the details of the ILUA because it was not attached to that document.
 - It was noted
 - The ILUA was signed by the PBC, CEO and Mayor Gela as part of the process.
 - The notices that have been legislatively required to be sent through was sent through, however, Native Title Office is claiming that the notices were buried in the General Manager's Office whilst he was on leave so no meetings were convened.
 - Before the ILUA could progress to Registration it needs to be signed off by the Native Title Office (NTO) to say the PBC and Community was properly consulted.
 - The NTO will not sign off until they after they have had a meeting with the Poruma PBC, and that meeting is scheduled to be held on Thursday 27th October and will include Andrew Kerr and Program Managers to work out those issues that they have with consultation etc - If that doesn't happen then that

process doesn't proceed any further and Poruma don't get their sewerage done.

• Hammond - CBRC Housing

• Cr. Pearson raised an issue on the CBRC Housing for Hammond in reviewing allocated Lots as she raised concern for two families living in private homes which are very old and have problems with electricity connection.

• Mayor:

- Knows that the discussion is around Lot 33 that Cr. Pearson is referring to for reviewing.
- CBRC is down for 2 homes (1 on the go list, the other is on the waiting list for Lot 33)
- There has been a few communities that have done that because soil testing etc has been done and if changes are too late community can lose that opportunity and not necessary gain that opportunity.
- *That dialogue is something that Councillors can discuss out of session.*

• Divestment of Enterprise Hammond - Mini Mart

• CEO advised that he does not have a response on the following issues but will get back to Cr. Pearson on this.

1. what is the value TSIRC receives verses maintenance and repairs as well as anything that may put Council in a predicament when it comes down to the Contractual Lease Agreement that will have in place for the Mini Mart?
2. whether it is viable that Council is holding on to this service?
3. what is Council doing to minimize the liabilities associated with having that type of investment on ground in community?

• Hammond - CEA Lease Arrangement CDEP Shed

• Cr. Pearson raised the issue on the lease arrangement for the CDEP shed on Hammond by CEA who proposes to cut back the space because the lease is too expensive, and the concern of Kirirri Art Group if pushed into a space where they will be unable to produce their artwork.

• It was noted that a paper be drawn up to look at

- what Council actually charge
- all the incentives that is attached to CEA in terms of what budget is allocated to them per participant including incentives not only for their overall operation budget but their incentives when they put those employees with host employers.
- It is something that needs to be put together so Council can see in order to make an informed decision.

• Divestment of Enterprise - Masig

• The Lodge is the only Enterprise on Masig which was awarded to the Kailag Enterprises.

• Council is in the process of transferring but it is taking a longer time then it should be to across to Kailag Enterprises.

- ✦ Since Council is the Trustee of the Land, one of the reports that will be going to the Council Meeting in December is how the ownership of the building actually transfers and virtually goes into Asset Register of the Enterprise.
- ✦ If Kailag Enterprise wants the Asset, Council can give them the asset if it can be done legally, and then they would be responsible for all the maintenance etc.
- ✦ Under the conditions of the Torres Strait Islander Land Act it can be transferable into the future if they own the asset but at the moment it's all being made under the Lease and sort of Licence Agreement because Council still own the asset.
- ✦ As per Cr. Pearson's comments on the Mini Mart on Hammond – it is on DOGIT but theoretically Council still own the building on top of it.
- ✦ *Council will need to provide a report to Cr. Pearson on what council's liabilities are in accordance with the Lease and the Licence Agreement Council has on the Mini Mart.*

- ✦ Termination of Employees
 - ✦ As per Cr. Elisala's comments it was noted that
 - If an employee do not turn up to work for 5 days Council will make an effort to try and find out the whereabouts of that employee.
 - If they provide a reasonable excuse then Council will just sign it.
 - If the employee doesn't have a reasonable excuse or the Council is unable to locate that employee after the 5 days that employee will be issued with a letter of abandonment and their employment is terminated.
 - Cr. Elisala to provide CEO with the name of that particular employee so that administration could deal with this issue.

- ✦ Katter Leases
 - ✦ Construction will still occur in communities despite the fact whether they have Katter Leases or not.
 - ✦ However, houses will not be constructed on those particular blocks that have Katter Leases pending decisions.
 - ✦ There is a consultation process that the Department is gearing up to come in, and has established a team called Home Ownership Technical arm that will be developing information surrounding the Home Ownership.
 - ✦ Consultations in communities when that team visits will be a two pronged approach - discussions will occur in relationship to Katter Leases in a broad sense.
 - ✦ However, in making the actual determination what is to be done with those Katter Leases whether or not the individual wants to still pursue them that dialogue will occur directly from the Department to the applicant in concern.
 - ✦ When the Katter Lease will happen there will also be discussion on encroachment and realignment to look at what was marked out and surveyed by those individual applicant.
 - ✦ If it encroached another application that was made then discussions will occur between both parties in relation to a realignment according to the boundaries that was traditionally in place at that time.
 - ✦ *Cr. Kris advised as TSRA Chair he has requested to the TSRA General Manager that TSRA write a letter to Minister Katter to fast track this process because it actually happen before DOGIT was implement and before Native Title came along*

- ✚ Council is going currently going through a process where a Katter Lease has actually been approved that has encroached on other people's boundaries.
- ✚ The realignment discussions that will occur at that time with those applicants that were approved and the applicants that are pending to look at the realignment on which the approved applicants have gone over the boundaries of those pending.
- ✚ This was because there wasn't a checklist in the past, and this will be straighten out during the process to look at encroachment and realignment but for those applicants that are pending the Minister will ensure that those areas of concerns are addressed first and foremost prior to his signature to paper.
- ✚ Mayor
 - TSIRC do not need necessarily need to write to Minister Katter as Council have the Minister for Housing and the Minister for Lands at the table in regards to looking at progressing these applications.
 - What the wait is that it has been held up by a number of things:
 1. Home Ownership
 2. looking at going through the 400 Katter Leases applications pending decisions – looking at those lease prioritising from those who are not deceased to those applicants who are deceased in sorting them out with families or next of kin.
- ✚ Raw Sewerage
 - ✚ Cr. Elisala was concern of leakage of chemicals due to high rising sea level because of the low lying area where the licence is and requested that they put a slab at the bottom of the hole before the raw sewerage is dumped in that site.
 - ✚ Executive Manager Engineering
 - A Plumber that has been appointed by the building team has been briefed on which septic tanks are to be pumped out and given a location on where to put it.
 - Understood that the Plumber is on Dauan now to do the work.
 - The Plumber was given a sketch direction by the Engineering Technical Officer who provided the report, marked on a plan the location as to where to dig the hole and place the raw sewerage.
 - Is happy for the work to progress.
 - ✚ Mayor
 - ✚ The EPA would have already inspected the site and given the tick and that is the only licensed area approved by EPA.
 - ✚ The EPA requirement – the septic tank goes around picks up the sewerage and then goes to a gazetted site (a pit), there is a regulator that gives you the dimension of the pit and what needs to be on the bottom sand etc.
 - ✚ If its iron clay then they have to put sand because when the septic tank empties the sewerage into the pit it's a process of transpiration and condensation that occurs from sand and wind etc where it actually dissolves, deteriorates and gets absorbed into the soil.
 - ✚ At times it works good during wet season, sometimes it doesn't, these are some of the requirements that EPA has put in place, and putting a cement at the bottom does not meet the EPA requirement because by doing that it will hold the sewerage on top.
 - ✚ The reason they want that sand bottom is because of transpiration and condensation and it will not dissolve.

- ✚ Executive Manager Engineering advised that they have that responsibility of monitoring that licensed site.
- ✚ It was also noted that Cr. Elisala has the similar problem such as Ugar where the septic tanks of households are overflowing and is becoming a health risk to tenants.
- ✚ Mayor advised that this is a housing issue and needs to be addressed by the Manager for Housing and Housing Officer.
- ✚ CEO to follow up on this issue with the appropriate persons in addressing this issue on the pumping of these septic tanks and liaise directly back to Cr. Elisala so that he is aware of the situation.

- ✚ Letter to Department Agencies regarding Community visit Protocol
 - ✚ It was noted that referring to Cr. Pearson and Cr. Guivarra comments on Community visit protocols that:
 - A letter be drafted by the Chief Legal Officer and emailed to all Councillors for their inputs.
 - Once the Councillors agrees with the draft, make a collective decision on it prior to the letter being sent out to Department agencies etc.
 - ✚ Cr. Nai noted the issues discussion and expressed his views on the issue, emphasising that it goes back to communication and that it needs to be ironed out as the success of any good organisation is the effectiveness of communication.

- ✚ Katter Lease
 - ✚ Mayor reiterated discussions on the Katter Leases adding further:
 - Department has been working through doing community by community is the Katter Leases pending decisions which has social housing (rental property)
 - For some of the communities now, the dialogue and the thinking has been how long that house was standing there for.
 - The tenants may have been paying rent and has been handed down from one generation to another maybe 30-35 years.
 - So what the Department calculated was –look at the options of costs it costs x amount of dollars to build that house in the first instance if that family rented that house for 30-35 yrs have they actually completely bought that property.
 - Because Katter Lease when it's granted its granting you basically exclusive rights of the land which that social house is build on.
 - some people still chose to rent some wants to own their own home and certain responsibilities
 - there have been instances in a community that I know of where a rental property has been granted across because it has been constructed on a Katter Lease area and that family has been accommodated in that same property for nearly 30-36 years.
 - but that is the discussions that will be happening and it is coming out way.
 - And that is the reason the need to establish a hot team on Home Ownership to create awareness around the responsibilities that comes with owning your own home, the cost too as well especially if you want to build something from scratch.

- a lot of things to do with not only with the Katter Lease but Home Ownership options too as well and lending bodies that are out there too as well.
- There is a big package that has been compiled now to come into the community so that people are provided with real time information.

▼ Road Signages – Badu Island

⚡ Manager Engineering Services

- Do have limited funding for road signs
- Advised Cr. Guivarra if he had a proposal or a plan to liaise with him and he will see what he can do.
- At times could get some funding from Main Roads but generally it is Local Government responsibility.
- Mayor advised Cr. Guivarra that if he sees it as a priority for Badu community:
 1. he could get an x amount of dollars from Main Roads
 2. and may even commit parts of his budget to look at committing to road signage
- Manager Engineering Services
 - where there are Main Roads designated projects some of that funding can be turn towards road signs
 - can always have discussions with Main Roads in the first instance to see if they got any funding available
 - if its not available from Main Roads I could look at other sources.
 - If I am made aware that there is a need for road signs in communities I will go and try source funding

▼ Street Lights

- ⚡ Manager Engineering Services is still gathering data on the number of lights – trying to get it down from \$900 a light to something like \$400-\$500 but also looking at some other options using solar lighting.

▼ Blockage of Gravel dirt – Lot 27 Hammond

- ⚡ Road works done on Hammond Cr. Pearson not impressed with what went down.
- Have gravel which is basically surfacing the road again especially dirt track, and this has not minimize the amount of dust in that area especially when there is an Elder residing in that area as well.
 - The road works was done in front of Cr. Pearson's house but when the monsoon will come all that beautiful gravel is going to be piling up between two houses on Lot 27 – with that being said Cr. Pearson declared her interest
 - they were not channelling to try and divert that water away from those dwellings because when the monsoon came, Cr. Pearson was basically wading in water passed the ankles between houses.
 - there was all that dirt that came with it and the silt that is associated with the clay – so had a dirty back veranda and front veranda on two houses for too long during that monsoon time
 - Expressed that the road works that happened there wasn't making it, it just making it worse.

- ✚ It was noted
 - that the issue raised by Cr. Pearson is the NDRRA and is purely there to return the road to its original condition
 - There have been limited road works funds to undertake improvements.
 - have no funds for sealing but only have funding to do maintenance works.
- ✚ Mayor
 - commended Executive Manager Engineering Services and his team – Executive Manager Engineering Services for compiling the submission and getting the \$10M and he has been successful year out and year in.
 - The problem with the NDRRA money is what all Aboriginal & Torres Strait Islander Council have identify
 - For this round it is to bring the road from port holes and inundation back to its natural state.
 - not up to the standard where it has approved and enhanced the well being of community - this is something that Main Roads identified and the Minister was present when the issue was raised.
 - Council have requested there is going to be a new tack for NDRRA money
 - Council told Government to change the program parameters to look at guiding the investment such as Cr. Pearson's issues to look at rectifying that area so it doesn't become a problem in the wet - to apply culverts, curbing channel.
 - If that is a better option then that's the solution to look at in the new funding round – in making that project/recommendation eligible in that new funding round.
 - Things are going to change, as they have seen the sense in terms of changing the policy or the program initiative to guide their investment
 - So under the new arrangement it's going to be better because there are areas that require better drainage etc.
 - So that way in the new year Executive Manager Engineering do not have to apply for any funds to go and rectify the same issue that he's been rectifying year out and year in after flooding or storm surge or cyclonic event that has occurred in communities.
- ✚ Lighting for Helipad – Ugar Island
 - ✚ Cr. Bero advised since amalgamation there were discussions around the lighting for Dauan and Ugar Helipad and also the need for a wind socket with the medivacs happening on Ugar. To date have not heard anything further on this issue.
 - ✚ Executive Manager Engineering advised that it is the first time he is aware of it and also have a new Manager for Airport who may not be aware of it as well.
 - ✚ Executive Manager Engineering will liaise with new Manager for Airports bring this to his attention in getting a wind socket out there.
 - As far as lighting goes we have grants funding to purchase lights for all the airports that's in train but we haven't got any funding for lighting for helipads am looking at a proposal to put solar lighting in the helipads and I am looking at sources of funding to be able to do that – to date have had not success but will continue looking.

- We already asking the RAPS program for \$75000 for airport lighting we might be able to stretch it to include lighting for helipads but cannot promise anything at this stage, it depends on the result of the grant but we are working on it.

➤ Road and Drainage Grants

- ⚡ Prior to amalgamation Councils normally received funding from the State Government (\$6000) quarterly to do roads
- ⚡ It was advised that the money is spent on Council's HEMTP Plant Pool - the work that Main Roads do.
- ⚡ Mayor clarified that a letter was received to advising that the Roads and Drainage Grant will be redirected into the HEMTP Plant Pool.
- ⚡ All Local Governments had that money for Road and Drainage Grants withdrawn during amalgamation but TSIRC was lucky to have that money redirected to HEMTP Plant Pool because all other Local Government Councils lost that grant.

➤ Pontoon – Mabuig

- ⚡ It was noted that
 - Executive Manager Engineering is unaware of any proposal that the Department of Main Roads have for any construction for the Mabuig pontoon.
 - There is no funding but will look at next year's budget.
 - Ugar Pontoon is being completed now.

➤ Lopping of trees by Ergon Energy

- ⚡ Cr. Elisala is there any agreement or arrangement between Ergon and TSIRC of cleaning up after Ergon Contractors have come through lopping trees to clear power lines in communities.
- ⚡ Executive Manager Engineering
 - Previously CDEP would clean up after Ergon Contractors
 - CDEP advised they will not do it now
 - The Contractor contacted TSIRC and an estimated cost was quoted to clean up after them
 - TSIRC clean up after them and send them an invoice for the work that Council has done
 - No extra monies going into staff pockets because it is part of their ordinary work unless they had to work overtime to clean up that mess
 - But TSIRC will bill Ergon and its Contractors for TSIRC carrying out the work plus 30%
 - in future years Council will have a much more formalised contract to enable Council to do that.
- ⚡ Two options of dealing with the situation if it arises again in the new year:
 1. If council takes it on next year then that information is relayed right down to grass roots through supervisors down on ground so that Council ensures that workers down on ground are truly informed and at the end of the day that money is generated towards their community and not assessable to other communities.

2. Potential to provide opportunity for individuals in community for a small business in terms of engaging somebody or finding a small group interested to actually carry out that work so it's an arrangement between that individual and the Ergon Contractor on taking on that job and just of a bit of income as well.

• SES Shed – Hammond Island

- It was noted that the two roller doors for the SES Shed is still sitting there and to date has not been replaced on the shed – there is concern that the longer they sit there they may deteriorate.
- CEO to follow up and liaise with appropriate people in having this work done.

Cr. Pearson left the room 3.08 returning 3.10pm

Cr. Nai left the room 3.10pm returning 3.12pm

CLOSED BUSINESS

Moved Cr. Fell, Seconded Cr. Elisala that in accordance with Regulation 71 of the Local Government Operation Regulation it is resolved for the meeting to go into closed session to discuss section the appointment, dismissal or discipline of employees, starting or defending legal proceedings involving it, 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.

END OF CLOSED BUSINESS

ISSUES RATIFIED FROM CLOSED BUSINESS

TENDER REPORT FOR PORUMA PORUMA SEWERAGE

RESOLUTION

Moved Cr. Fell, Seconded Cr. Pearson that based on the Tender assessment, Kenfrost offers Council the best value for money (and they have also provided the lowest tender price).

It is recommended a contract for \$12,579,399 be awarded to Kenfrost to construct the full scope of works included in the tender documentation. They propose to commence works on site in February 2012.

Should negotiations be unsuccessful, then the CEO be delegated the authority to award LDI the contract.

Motion Carried.

Mayor gave briefed Councillors on the Senate Inquiry into the Sustainability of Council which he and the CEO attended at the Brisbane Parliament House

IN-CAMERA SESSION (CLOSED BUSINESS)

4.00pm Executives & Staff was asked to leave the meeting for Councillors In-Camera Session.

DISCIPLINARY ACTION

RESOLUTION

Moved Cr. Fell, *Seconded* Cr. Kris that Council issue a letter of reprimand to Cr Guivarra for breaches of 'inappropriate conduct' with the intention to inflict reputational damage to the Council.

Further that an apology be sought from Cr. Guivarra on his actions. (which he has already given).

Motion Carried.

CEO- DISMISSAL

RESOLUTION

Moved Cr. Guivarra, *Seconded* nil, that Council dismiss Mr. John Scarce Chief Executive Office in accordance with his contract effective immediately council returns him to Thursday Island, and that Council provides Mr. Scarce with two weeks in which to remove all his belongings from Unit 1 13a Chester Street, Thursday Island.


Motion Lost for want of a second.

RESOLUTION FAILED

COUNCIL MEETING CLOSED

5.40pm With no further discussions, the meeting closed in prayer by Cr. Nai.

.....
Cr Fred Gela
Mayor


.....
Mr John Scarce
Chief Executive Officer