

Torres Strait Island
REGIONAL COUNCIL

MINUTES

ORDINARY MEETING

WEDNESDAY 21st APRIL 2010

Please find attached Minutes of the above meeting held on 21st April 2010 at 9.00am – 5.00pm at *the Hammond Island Community Hall*, Hammond Island.

**Torres Strait Island Regional Council (TSIRC)
Ordinary Meeting
Held at the *Hammond Island Community Hall*, Hammond Island
Wednesday 21st April 2010**

Present: Cr. Fred Gela, Mayor
Cr. Kenny Bedford, Deputy Mayor, Division 14 - Erub
Cr. Donald Banu, Division 1 – Boigu Island
Cr. Raymond Soki, Division 2 – Dauan
Cr. Keith Fell, Division 4 – Mabuig Island
Cr. Wayne Guivarra, Division 5 – Badu Island
Cr. David Bosun, Division 6 – Kubin
Cr. Nancy Pearson, Division 8- Hammond
Cr. Walter Mackie, Division 9 - Iama
Cr. Willie Lui, Division 10 - Warraber
Cr. John Mosby, 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. Lloyd Sunderland, Executive Manager Community Services
Mr. Patrick McGuire, Executive Manager Engineering Services
Ms Dania Ahwang, Manager Internal Audit
Mr. Chris McLaughlin, Chief Legal Officer
Ms Nicole Howcroft, Manager Environment and Health
Ms Elissa Shuey, Public Relations/Media Officer
Mrs Tania Sailor, Executive Secretary.

Observers: Members of the Community

In attendance: Ms Shakira Weston, Mayor's Secretary

Apologies: Cr. Ron Enosa, Division 3 – Saibai Island
Cr. Toshie Kris, Division 7 – St. Pauls
Cr. Phillemon Mosby, Division 11 – Poruma Island
Mr. Noel Peters, Manager Human Resources

Deputations: Nil

9.20am: Meeting opened in prayer by Cr. Mackie.

ONE MINUTE SILENCE

There was a minute silence to pay respect to families who have lost their loved ones recently, especially remembering the recent passing of an Elder who has strong ties to Kirriri (Hammond), also remembering our ancestors who contributed to the development of this Community.

WELCOME

Welcome & Acknowledgement of Traditional Land Owners

- Cr. Nancy Pearson
- Mayor Fred Gela
- Council of Elders - Mrs Josephine Petero
- Mr. Matthew Dorante

OPENING REMARKS

Cr. Pearson acknowledged the Traditional Owners and Elders of this land and welcomed the Mayor, Councillors and Executive Staff to the Community of Hammond.

Mayor acknowledged the Traditional Owners of this land on which this meeting is held, and welcomed Elders and Community members to the meeting. Mayor thanked everyone present for attending this meeting.

Mayor's opening remarks:

- Hammond Island is the official address of the Torres Strait Island Regional Council.
- As the amalgamation happened on the blink of any eye – it is not an easy role, we have a long journey ahead to do the best of what we can do.
- Thanked everyone and encouraged Councillors, Community members, and employees to continued working together as one, because if you take a strand away from a mat, it will all go to pieces. We can only do the best of what we can in moving forward.
- Look forward to a good deliberation today at this meeting.

ACCEPTANCE OF APOLOGY – COUNCILLORS ABSENCEE

Moved Cr. Soki, Seconded Cr. Bedford that Council accepts the apology from Cr. Enosa, Cr. P. Mosby, and Cr. Kris for their absence at this meeting.

Motion Carried

It was noted that:

- *Ms Dania Ahwang (Manager Audit) left the meeting at 12.45pm for her flight to Badu.*
- *Cr. Bedford and Executive Manager Communities left the meeting at 1.35pm to commence their long journey to India for the Turtle & Dugong Management Symposium.*

DEPUTATION - Nil

BUSINESS ARISING FROM PREVIOUS MINUTES - COUNCIL MEETING

■ *National Partnership Agreement*

- It was noted:
 - that the timeframe for the consultations on National Partnership Agreement and Territory Style Government in each community will take ½ day on both topics, however, discussions on the National Partnership Agreement will take up much more time than Territory Style Government discussions.
 - As Territory Style Government Consultations was already completed, what will be presented now is what came out of the discussions that took place in individual communities and what the collective view of the Region is in looking at a model, version and where we're heading for Territory. If we have to recap, then we can do that there and then.
 - With the National Partnership Agreement, the discussions to get the information out would take up 2 hrs including allowing questions from the floor and responding to those questions.
- CEO advised a lot of the details on National Partnership Agreement can be worked through the Land Panel, because the Land Panel will be looking at the deed of the future leases to be signed and there is details there what can be done. What Cr. Gela will be presenting is just common offered knowledge.
- Mayor advised need to try and get PBC present when facilitating the same discussions in communities so that way the community knows that:
 1. this is what is on offer
 2. this is what we would get, and
 3. apart from this what the role of the TSIRC this is how far we can facilitate the process
 4. We will require PBC to sign too as well, so that way it puts the onus and it ensures that there is a level of accountability and transparency back to the community.
- Cr. Bedford encouraged Councillors to please to try and feedback information to the Mayor and CEO prior to their visit to the Communities so that they can provide the community with answers when they visit rather than after their initial visits.

■ *CDEP Tender*

- It was noted that discussions are with two providers and are the only ones provided to TSRA – *deferred to closed business.*

■ *Acceptance of Apology for Councillors absence at meetings*

- CEO apologised that there wasn't a mover or seconder at the last meeting with regards to apologies being accepted from Councillors who were absent from the meeting because it was done incorrectly.

■ *Update on Remote Stores*

- Deferred for further discussion in the agenda item for Remote Stores.

- *Uniforms*
 - It was noted that prior to the Public Relations Officer leaving the organisation she did a brief handover to Cr. Soki regarding the Uniforms.:
 - Samples are getting printed.
 - Need to follow up on the company as to the printing of the uniform before we could go out to the communities to collect sizes etc from staff.
 - CEO to tag an admin staff to follow through and be updated on this issue
 - Cr. Soki to work in partnership with that Admin. Staff.
 - In the meantime need to look at facilitating a process where Councillors and Divisional Managers can be emailed and kept informed, so that they know what is going on with the staff uniforms

- *EHW Issues - Dauan Island*
 - Cr. Soki raised his concerns again on the position of an EHW for Dauan or if one would come from another community to Dauan to look at sewerage and rainwater tanks issues in his community as the position has been vacant for quite some time since his EHW left and that it was important to have one in place for his community.
 - Executive Manager Community Services advised that interviews have been conducted for the EHW position on Dauan and that position is expected to be filled within the next couple of weeks.

- *Resolution - Divestment of Enterprise - Erub*
 - Cr. Bosun clarified to members that his reasons for voting against this Resolution at the last meeting was because he:
 1. recalled with the discussions Council had on Divestment of Enterprise it was advised that Council would actually divest an enterprise given the grounds that it is viable and sustainable and has a capacity to secede as an enterprise, and;
 2. have not actually seen a business plan to actually make him feel confident to release the building and the divestment of the organisation.
 - Mayor advised in reference to the issues/concerns raised If some of the information and work that has been done to any enterprises in terms of considering on whether or not they are marginal, sustainable and viable. Council has been presented with reports before and maybe hone in on the business plan if a business plan has been developed or a concept.
 - Cr. Bedford can not understand Cr. Bosun's objectives as there is no business plan on any of the Divestment of Enterprise which he had no concern over.

CONFIRMATION OF MINUTES - COUNCIL MEETING

Moved Cr. Day, Seconded Cr. Bero that the minutes of the Ordinary Meeting held 18th November 2009 be adopted as true and accurate.

Motion Carried

EXECUTIVE MANAGERS REPORTS

FINANCE

1. ASSET DISPOSAL POLICY

RESOLUTION

Moved Cr. Fell, Seconded Cr. Pearson that Council adopt: the General Policy 13 - Asset Disposal in accordance with Part 2, Division 1 of the Local Government Finance Standard 2005.

Motion Carried

Comments prior to Adopting Resolution

- *It was noted that:*
 - *value of assets is determined by its value as it goes out by value.*
 - *Every year value of assets changes with depreciation (accounting term used for consumption of an asset on a yearly basis) – the assets come in at its fair value in to the Asset Register than is depreciated over the term of its useful life so every year the value of the assets gets less to show that is not providing its functional value as it once did when it was new.*
 - *The Council is required to undertake a full asset revaluation exercise and that comes back to Council for endorsement. (An exercise was completed in October 2009 by Asset Val – large asset base of \$500M).*
 - *Asset Val took photos of most of the assets and these photos are attached to the assets in the Fixed Register as well. That is one of the primary tool that are used to monitor them – Valuers are required by Council to take photographs of the assets.*
- *Cr. Pearson advised need to assess the understanding of our staff particularly on the ground on their areas of roles and responsibilities as Divisional Managers provide information but it needs to be absorbed by those people that they are responsible for on the ground in their community and we also need to evaluate the performance of those key persons, whether or not they have that understanding of their roles and responsibility in ensuring that everything that is given out is returned and locked down.*
- *Mayor advised:*
 - *Asset Disposal Policy is a must to have it in place so that way we can differentiate between what's a minor asset and what's a major asset, it is there on paper, its transparent and the people have access to it.*
 - *Need clarification under the Legislation what the requirements of the Regional Council is - how often Asset Revaluation and Asset Register has to be done. I know that once its done a random check or spot check is done on assets in communities to check whether these assets are registered.*
 - *Assets Revaluation and Asset Audits done by an Independent body is a costly exercise that we do when we are required to do under any legislation, any extra out of the ordinary then that's the additional cost that the Regional Council will incur, your community will incur which is not mandatory.*
 - *Best approach and the practical solution to have in place is that audit being undertaken at the local level by local staff or somebody that is reliable.*

- *Agrees with Cr. Pearson's comments, we as a Regional Council endorse and resolve the Policy, admin needs to have it implemented and that is a localised solution that needs to happen - It is building capacity of not only the Divisional Managers but Supervisors as well, because supervisors needs to know what has been endorsed and resolved as a policy that forms a broad spectrum around this organization..*
- *Executive Manager Corporate & Finance advised Purchasing Officers undertook training recently and are now responsible for the Divisional Asset Register, as well as the generation and holding of Portable and Attractive Item Asset Register – for those items under \$5000 that are not registered in the fixed asset register.*
- *It was highly recommended that skilling requirements needs to go further than Divisional Managers, need to also look at building the capacity of individual Supervisors as well, to ensure that they are aware that the policy exists and what the normal processes are. Admin needs to have it implemented and Divisional Managers and Supervisors makes sure that requirement is in place in communities once it is endorsed.*

It was resolved that the Council break for Morning Tea at 10.45am.

2. ENTERPRISE WIDE RISK ASSESSMENT

RESOLUTION

Moved Cr. Pearson, Seconded Cr. Bosun that Council adopts the attached Business Risk Assessment – March 2010 as its Risk Register; and

Begins implementation of the Potential Solutions, Recommendations and Supporting Activities where appropriate.

Motion Carried

Comments prior to adopting Resolution

It was noted:

- *will look at addressing the risk register document through the budget process – Couple of \$100,000 has been budgeted for an electronic document management system (Records Management System). This will allow the knowledge to be stored properly and allow us to extract those documents when we need them.*
- *Risk Register Document will come back to council for review.*
- *Finance Training:*
 - *Delivery of training needs to be more relevant to each individual community.*
 - *needs to be delivered by our staff as they are the ones that are going to be working with us*
 - *Need to go through the Regional Council consolidated positions so that Councillors can relate to the budget and ask questions on how the total has come to that and where has that figure come from.*

- *Need to provide a budget training that should be more user friendly and personalised to individual communities.*
- *26 Risk has been identified including discussions on the white board by Councillors plus some extra stuff including communication, connectivity.*
- *Once it is adopted it becomes the Enterprise Wide Risk Assessment Register, and will be distributed to everybody eventually.*
- *At this time there is a lot of high level – need to get all of those things in place so we can start making those appropriate policies to roll out on the ground.*
- *This register is a live document and can be updated even before a review so we can keep control and deliver on these things.*
- *Communication issues – will also be talking about it later the \$7.5M the State Government has given to us to fix our communications issues.*
- *Workplace Health & Safety Issue*
 - *Workplace Health & Safety Officer on board since early this year.*
 - *Policies have been set, signed off and distributed to everyone.*
 - *Workplace Health & Safety Officer working on an Induction kit at this time and that will be rolled out to every employee.*
 - *Divisional Managers will be doing Workplace Health & Safety training whilst Councillors are doing their Media and Finance Training etc in Cairns.*

AILAN ADOPTION

- In relation to some discussions and proposals by Kupai Omaskar Working Group and the Minister, the Minister is seeking Council's view or Torres Strait's views on whether Ailan Adoption should be recognised in the mainstream as a formal adoption.
- Currently as we are aware Ailan Adoption is not recognised and there has been a strong push by the people of the Torres Strait to have Ailan Adoption recognised by Government.
- Mayor advised that we could instigate a view and a position of Regional Council – regardless we represent and mandated to represent the Region, the Government wants to ensure that we have actually consulted our people down on the ground on this matter because it has to be a collective view from this Region.
- Brief By Kupai Omaskar:
 - In 2008 Queensland Government altered its adoption legislation to specially exclude Traditional Adoptions from mainstream adoptions.
 - The Act has an Indigenous Placement Principle for Indigenous Children - in its discussion paper for legislation, unfortunately, the Department of Child Safety confused Torres Strait Traditional Adoptions with the Stolen Generation issues.
 - In our view the Queensland Government and Queensland Parliament is clearly giving the message that adoption does not fit with surrogacy or adoption law.
 - Need to push again in bringing to life this issue and to seek recognition from the Government.
- CLO's advice to comments from the floor:
 - There are two different types of law in Australia (i) Common Law which is case law (ii) Legislation
 - What Government is seeking to do is to change the legislation to universally recognise Traditional Adoption.

- In reference to Cr. Banu's comments, he might be referring to one single case that has gone before the Family Court of Australia and in this particular case the Family Court determined that this person is the parent but that doesn't apply to cases after that.
 - What is proposed is to get rid of Common Law in this area altogether which means interpretation is going to be a lot easier.
 - With Adoptions left to Grandparents, this area is still under the Family Court. Once this legislation goes through the person who adopts the child will be recognised as the parents of that child. In the case where the child is given to a Grandparent after the biological parent moves away it will be up to the Grandparents to get what is called a Parenting Order under the Family Law Act, where they have to apply to the Family Court of the Federal Magistrate's Court for a parenting order to become recognised as the parent and not the person who adopted them.
 - What the State wants to recognise through legislation is child support, parental responsibility etc. that these things be put into place as these matters are not recognised in the Torres Strait at present. Others are inheritance, wills, succession rights to an Estate, these matters will be recognised by legislation.
- Mayor :
- what we are seeking is that we need advice to respond to the Minister in relation to the Regional Council's position and we highlight some of the concerns, issues and sensitivities surrounding it and as to why it needs to be acknowledged and recognised.
 - The Minister was also looking at whether we would consider open consultation in our communities but views have been put forward strongly by members that that matter has been talked about for quite sometime in the Region and it is about time that it was acted upon.
 - We ensure to cover everything that may be deemed by Government as an Ailan Adoption especially for the cross border adoptions we will certainly need to be cautious about that area.

Recommendation

1. *Mayor to draft a response/proposal*
2. *Circulate draft to Members for their comments within a reasonable timeframe*
3. *Finalise and endorse and put our position forward to the Government.*

POLICY & PROCEDURES – GIFT POLICY

Resolution

Moved Cr. Bosun, Seconded Cr. Pearson that Council adopt the proposed Gifts Policy.

Motion Carried

Comments prior to endorsing Resolution

- *Cr. Mackie - need to see some recognition of cultural practices embedded in any policy that we want to instigate, otherwise we will be left standing by ourselves.*

- *Chief Legal Officer - not dealing with traditional law, with traditional law there is no problems there, it just comes back to your conduct as a Councillor.*
- *CLO – that's why assessment criteria has been given for those very curly questions where you ask yourself these questions whether you are in an official capacity or you are not sure, is this person likely to gain something from a decision I am going to make anytime soon – if you just go out on a weekend no there's not going to be any. It might be a substantial gift if a crayfish is worth \$200 or more, you got to remember that the CEO actually knows the traditional issues and his advice will be not to worry about it but will just put in the register just to be safe.*
- *Community Forum members do not fall under the Policy because they are not a Public Officer. They are legislated under the Local Government Act, but they are not a council employee which means that even if we put a policy out, we couldn't drag them into that policy. We have no jurisdiction over community forum members at all.*
- *Any complaints on Community Forum members if they are dealings done under the table it needs to be directed to the Minister as they are appointed by the Minister and not the Council. They are the only disciplinary action that cannot be undertaken by Council because they are not our employees.*
- *Community Forum does not make the final decisions – they provide the Council with options and advice. The Councillor is the one that makes the decision.*

REMOTE STORES

Resolution

Moved Cr. Pearson, Seconded Cr. Bedford that Council look into IBIS and local control and Community ownership by:

- *Engaging in discussion with IBIS in the first instance*
- *subject to availability of funds instigate a detailed assessment on individual local ownership or private ownership within a particular community verses possibly a cooperative ownership owned by the Community, bearing in mind that there is a Cooperative over the top doing the buying power verses an IBIS type organisation with one central board that runs all of the stores within the whole of the area.*

Motion Carried

Against: Cr. Fell
Cr. Mackie

Comments prior to endorsing Resolution

- *Mayor:*
 - *Localised solution is the best solution because we've got Community ownership and the profits is retained in the community but bear in mind that the profits will be put towards the sustainability and viability of not only the enterprise that is functioning in the community but the repairs and maintenance of the depreciation of that asset.*
 - *Need to do a Report/Discussion Paper on the pros & cons of all communities in or one in, need to look at whether or not we will be in a position to develop something even better.*

- *Need to look at this process and the way forward – as this is the most sensible path/approach we need to take.*
- **CEO:**
 - *There is a number of ways of doing that report - the quality of the report that you would need would be along the lines what we did with the fishing report, you are looking at about \$120,000 investment into something like this to cover all of those so you can make informed decision*
 - *Maybe first thing is to talk to IBIS first being very open and honest, and advise them that these are the things we are looking at etc. Perhaps they may even co-fund the report.*
- **Mayor:**
 - *Councillors agree if you want a detailed report that is enough for you to make an informed judgement and pass, and make an informed decision on it. The report has to be that detailed as the fisheries report and would cost about \$120,000 as the CEO mentioned.*
 - *Is this something the Council wish to consider or something that we can issue as a recommendation subject to availability of funds to actually make that happen.*
 - *We can instigate the discussion with IBIS but at the end of the day the result that we need to achieve is a report that in order to inform you prior to you considering and making a decision on it.*
 - *Also look at considering seeking the amendments to the current legislation that legislates and gives birth to the board of the IBIS in bringing it back to the concept in terms of making it a community or localised concept like it was done in the past.*

It was resolved that the Council break for Lunch at 1.35pm.

It was noted that Cr. Bedford and Executive Manager Communities Mr. Lloyd Sunderland left the meeting at this time to Horn Island to connect with Qantas to Cairns

CLOSED BUSINESS

Moved Cr. Bosun, 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.

ISSUES RATIFIED IN CLOSED BUSINESS

1. DIVESTMENT OF ENTERPRISE

Resolution

Moved Cr. Banu, Seconded Cr. Bosun that Council in accordance with section 491 of the Local Government Act 1993, place for tender the following Boigu enterprises of Council in a as is where is condition, inclusive of all staff, fixtures, fittings and movable plant that make up these enterprises.

Accommodation Precinct: Motel/Guest House/CC Demountables/ 2 Guest Demountables, Fuel Bowser

Further Cr. Banu to advise the CEO as to the timing of this Divestment.

Motion Carried.

Resolution

Moved Cr. Soki, Seconded Cr. Day that Council in accordance with section 491 of the Local Government Act 1993, place for tender the following Dauan enterprises of Council in a as is where is condition, inclusive of all staff, fixtures, fittings and movable plant that make up these enterprises.

Guest House, Kiosk, Fuel Bowser

Motion Carried.

Resolution

Moved Cr. Pearson, Seconded Cr. Bero that Council in accordance with section 491 of the Local Government Act 1993, place for tender the following Hammond enterprises of Council in a as is where is condition, inclusive of all staff, fixtures, fittings and movable plant that make up these enterprises.

Mini Mart (Leased), Fuel Facility, "St.Joseph's" Ferry

Motion Carried.

Resolution

Moved Cr. Guivarra, Seconded Cr. Fell that Council in accordance with section 491 of the Local Government Act 1993, place for tender the following Kubin enterprises of Council in a as is where is condition, inclusive of all staff, fixtures, fittings and movable plant that make up these enterprises.

Horticulture/Nursery, Arkal Kaziw Child Care Centre (Unlicensed), Mrs. Lizzie Nawia Motel, Mua'gal Minnaral Artist's Collective

Motion Carried.

Resolution

Moved Cr. Fell, Seconded Cr. Pearson that Council in accordance with section 491 of the Local Government Act 1993, place for tender the following Mabuiag enterprises of Council in a as is where is condition, inclusive of all staff, fixtures, fittings and movable plant that make up these enterprises.

Fuel Depot, Guest House, Donga Accommodation, Motel

Motion Carried.

Resolution

Moved Cr. Fell, Seconded Cr. Bero that Council in accordance with section 491 of the Local Government Act 1993, place for tender the following Poruma enterprises of Council in a as is where is condition, inclusive of all staff, fixtures, fittings and movable plant that make up these enterprises.

Resort, Kiosk, Guest House and Fuel Bowser

Motion Carried.

Resolution

Moved Cr. Soki, Seconded Cr. Fell that Council in accordance with section 491 of the Local Government Act 1993, place for tender the following St Pauls enterprises of Council in a as is where is condition, inclusive of all staff, fixtures, fittings and movable plant that make up these enterprises.

Blok Plant, Motel, Bus Service, Mechanical Workshop

Motion Carried.

Resolution

Moved Cr. Bero, Seconded Cr. Day that Council in accordance with section 491 of the Local Government Act 1993, place for tender the following Ugar enterprises of Council in a as is where is condition, inclusive of all staff, fixtures, fittings and movable plant that make up these enterprises.

Fuel, Guest House/Hostel, Freezer

Motion Carried.

Resolution

Moved Cr. Lui, Seconded Cr. Bosun that Council in accordance with section 491 of the Local Government Act 1993, place for tender the following Warraber enterprises of Council in a as is where is condition, inclusive of all staff, fixtures, fittings and movable plant that make up these enterprises.

Guesthouse, Motel, Kiosk

Further Cr. Lui to advise the CEO as to the timing of this Divestment.

Motion Carried.

Resolution

Moved Cr. Mackie, Seconded Cr. Fell that Council in accordance with section 491 of the Local Government Act 1993, place for tender the following lama enterprises of Council in a as is where is condition, inclusive of all staff, fixtures, fittings and movable plant that make up these enterprises.

Augustine Wasada Kaikal Mudith Kiosk, Coffee Shop at the Cultural Centre, Cultural Centre, Kodakal Lodge, Sundowner Guest House

Motion Carried.

Resolution

Moved Cr. J. Mosby, Seconded Cr. Bero that Council in accordance with section 491 of the Local Government Act 1993, place for tender the following Yorke enterprises of Council in a as is where is condition, inclusive of all staff, fixtures, fittings and movable plant that make up these enterprises.

Lowatta Lodge

Further Cr. J. Mosby to advise the CEO as to the timing of this Divestment.

Motion Carried.

2. MIP4

Resolution

Moved Cr. Soki, Seconded Cr. Bero that Council advise the MIP Management Committee that all MIP up to and including MIP4B is to be applied to the Island Communities that were respondent to the programme prior to amalgamation.

Motion Carried.

3. PARTNERSHIP AGREEMENT CDEP

Resolution

Moved Cr. Soki, Seconded Cr. Pearson that Council:

- Adopts the attached CDEP Partnership Agreement as its position in the Market Place, and
- Delegates to the CEO the ability to make contractual amendments that do not expose the Council to any further risk in the Transaction;
- Continues to submit in partnership a tender with any and all organisations but not sign as a Principle Contractor any Torres Strait Regional Authority CDEP reform contractual documentation; and
- Subject to negotiations, requests an update report on any contractual changes made to the CDEP Partnership Agreement

Motion Carried.

It was resolved that Council have a five (5) minute break at 4.30pm

LATE REPORTS

MONTHLY INFRASTRUCTURE REPORT

Resolution

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

Motion Carried

Executive Manager Engineering

- *Bacteriological tests are done every month, and quarterly tests are done for other chemicals contaminants.*
- *Looking at alternative means of doing our sampling. The two communities that do suffer are Dauan and Ugar, because it is very difficult to coordinate and get the sample to Cairns within the 24hr period, you basically have to hire a chopper.*
- *Four Communities with water restrictions:*
 - *Erub – issues with leak detection, they are working on that.*
 - *Mer, Masig & Boigu – has issues with desalination plants, will be resolved under the Assets Sustainability project.*

GENERAL BUSINESS

HR Issues

- *Warraber ARO* – Since November to date:
 - jobs were advertised, interviews conducted.
 - the former ARO who resigned due to family reasons is still waiting to be paid out his entitlements.
 - There has been no feedback from CEO or HR Manager on these issues.
- *It was noted that:*
 - Councillors can only highlight these issues within a formatted letter or in-closed business as a concern to CEO stating that this has been an issue for quite some time and can he ensure that this matter gets addressed ASAP because it is ruining the credibility of the Council.
 - Legislation states that everything goes through the Mayor, and the CEO sets out a direction on how Councillors communicate with staff.
 - Councillors have direct access to
 - Executive Managers.
 - Divisional Managers
 - Councillor's Secretary
 - In relation to HR – at the this present time, regardless that Councillors cannot formalise any resolutions in relation to hiring/firing an individual, there has been a strong position put forward here and stressed not only by Councillors but many others.
 - CEO needs to address the many issues that have been flagged for quite some time, and how this issue is dialogued with the HR Manager is something the CEO needs to determined.
 - *Cr. Lui will write a letter of complaint to CEO re HR Issues.*
 - *Cr. Mackie* - Supports *Cr. Lui's* comments but encouraged to have proper documentation of recurring issues so we can get a response as to what action has been taken – have something down in black and white.
 - *CDEP Manager* – What sort of support is he getting currently, as there was some comments that he is not contactable at some times. Maybe have some support from TSRA, secondment of some staff like they did prior to amalgamation in assisting communities.

Mabuiag – Office & Airport Terminal

- *Mabuiag* has surplus funds but was told that come end of June they were going to lose that fun if they don't get something started on those two projects.
- CEO will check with *Dania* whether they are owned sourced funds or whether they are grant funds. Grants fund we will get in there, if it is owned sourced funds then we make a commitment to roll them over to next year.

Builder - Kon Erofeev

- *Where is Kon?* – Airport Facilities and amenities for *Mabuiag* still need to be done. It was noted that he is on *Erub* at this time.
- *Kubin* is also having the same issues with *Kon* as when he came to *Kubin* he never met up with the Divisional Manager to receive directions on what needs to be done on development around the community, the motel and some of the houses. Seeking external support or contractors for carpentry, building, etc.
- With the amount of outstanding works we may need more people - need to expand in that area.

➤ **CEO**

- Kon have been given a very clear mandate to fix all the social housing issues that Council have come across 12 months ago.
- Nearly lost \$8M on housing works on the ground - had Kon focused on those things.
- In relation to airport's waiting sheds etc, that's the Executive Manager's responsibility to make sure that if that's what you want that's where it goes.
- Council is not reliant upon Kon, or anybody else to do the job, we can get anybody in that we need to do the job. Doesn't matter who we get in, we just need to know we got money at the end of the day to do the job.

Office Accommodation Fit Out – Cairns

- Council was supposed to lobby some money for fit out for the facility.
- Discussions took place with Desley Boyle - response was there is no consideration for any funds for fit out, and to date there has been no dialogue in terms of further negotiations.
- Council have been rejected or laughed off and have not proceeded with this because Council just don't have the money for it.
- Need about \$1,000,000 or a little bit more to fit it out.

Local Government Owned Corporation

- A resolution was passed at St. Pauls for Council to do an investigation into Local Government owned Corporation (a separate sort of legal entity to manage the building program of Council).
- The feasibility study is being done right now.
- On the basis of that feasibility study, hoping that it does come out, that it is feasible to set up this building business.
- In theory all of that works will actually funnel through that Local Government owned Corporation.

Kubin Airport Amenities

- Executive Manager, Engineering Services advised:
 - that they did call quotes for that Airport building and to move the AROP into the adjacent green shed and to line it.
 - Those quotes were beyond the budget that Kubin has.
 - Looking at other alternatives at trying to cut that cost down by sending painters across to Kubin to do the airport building. They are doing work at St. Pauls.
 - Will get Air & Sea Ports Manager on his return from leave to contact Cr. Bosun and give a full briefing on where that situation is, but the matter is in hand.
- *Executive Manager Engineering Services to get Air & Sea Ports Manager on his return from leave, to liaise directly with Cr. Bosun and provide him with the discussions that happened and what stage and possible and potential timeframes for the completion of what should have been done so that Cr. Bosun is kept updated.*

Boigu

1. Personal Use of Vehicle

- Use of vehicle for personal use was brought to the attention of Air & Sea Ports Manager during his recent visit to Boigu – nothing has been forthcoming.
- *Executive Manager Engineering Services advised that he was unaware of this but will raise it with Air & Sea Ports Manager on his return from leave.*

2. Mangroves - Airstrip

- *Executive Manager Engineering advised that works will be undertaken by the ARO on a piece by piece basis.*

IAMA – Child Care Centre Funds

- Cr. Mackie expressed his concerns that he may lose funds for IAMA child Care Centre that was received from former Council. The funds have been rolled over and over again, and IAMA has lost bits and pieces here and there each year.
- CEO advised that it is a grant funding of \$260,000, but is hoping we can keep that money and don't give it back but we need to be able to put it on the ground soon because the grant has been there for more than 6yrs? The Executive Manager Communities was working on a solution to actually get it operational or built, but have not heard latest on this issue.

Drug & Alcohol Policy

- At the June meeting a paper will be presented on Drug and Alcohol Policy for all staff. It will look at making sure that employees undergo the testing before they are employed. Tests will also be carried out randomly for employees throughout their whole employment with Council.

Divestment of Enterprise

- *CEO advised that there is scope for add ons or removals on any of those recommendations presented today. If Councillors could please advise the CEO or send an email to him and he will add or remove it from the resolutions.*

National Partnership Housing Agreement - Update

- At this stage Kubin & Boigu is the only two communities that has successfully engaged a consultation process with both the PBC & Community at large, where full support has been provided to TSIRC to facilitate the relevant processes towards implementing the National Partnership Agreement.
- Land & Infrastructure Unit is to provide us with a copy of a draft ILUA's template that has been developed for this particular arrangement so it can be reviewed by all parties. Fully serviced blocks that are not subjected to Katter Leases or ear marked to used for CBRC has been identified, however Councillors and local housing staff has confirm whether or not the information is correct and to inform us of any inconsistencies. We currently have 123 potential fully serviced lots that can be considered for the NPA.
- Mayor:
 - Provide Councillors with a summary of potential vacant serviced lots that can be considered for NPA.
 - Councillors to facilitate a community meeting engaging all relevant local stakeholders to commence discussions on the National Partnership Agreement Proposal.

- TSIRC has resolved to consider the NPA in principle; however it was subject to further support from the PBC & Community Land Panel.
- Considerations are:
 - One off payment of \$6000 – Allocation of new undeveloped sites for social housing. This amount can be made payable directly to PBC, however an alternative arrangement may need to be in place for communities that do not have a PBC.
 - \$800 per lot per annum payable to Trustee (TSIRC)
 - Once the DOGIT is transferred to either PBC or a Community Entity, which will be a community decision this sum will be received by that entity. Please note that this money is to be used to develop the specific community it applies to.
- Councillors are encouraged to inform us of any specific resources required, or information that has been disseminated in the past to facilitate a community consultation process on the NPA - Mayor can provide assistance/information for Councillors to facilitate the consultation process.
- Homeownership – Commonwealth, State and there departments involved have been made aware that homeownership needs to be considered and placed on the agenda to scope out what needs to be done and strategies to achieve this.
- Katter Leases – Pressure has been placed on the State Government & DERM to have these leases signed off and issued or to inform us and the applicants of what will become of the leases. It has been identified that there are some rental properties constructed on lots that may be subjected to Katter Leases. When the time permits negotiations must take place providing our constituents with some options.
- Due to recent political pressures and negative media attention the Federal Government is clashing heads with the State to have houses built, upgrades done basically start spending some money and getting runs on the board. They feel very strongly about this, which provided a passage to bring on board communities that weren't part of the mix. Houses have been delivered already to these communities; however they do not have a range of complex tenure arrangements to deal with.
- A comprehensive work plan will be developed by the Land & Infrastructure Unit in conjunction with TSIRC indicating clear deliverables and a delivery timeframe, which will track our progress and used as a reporting tool to the State.
- Lack of infrastructure – Engagement with both Commonwealth & State in relation to this issue has occurred flagging the need to consider greater flexibility with the use of this investment or else we won't be able to deliver and as such the Australian Government will not be able to achieve some of their targets set out under recent policy position of Closing the Gap of the Indigenous Disadvantaged.

In essence the discussion we will have in communities we will facilitate those same processes of what we heard and what's on offer and how we can actually adjust and scope up things to make it work for us.

6.15pm

COUNCIL MEETING CLOSED

MEETING OF COUNCIL AS TRUSTEE OF COMMUNITY DOGIT

Moved Cr. Pearson, Seconded Cr. Fell that in accordance with Section 159ZZP, Part 4 of the *Local Government Act 1993*, Subdivision 1, Management of Community Development of Grant in Trust, the meeting of the Trustee of Community DOGIT be convened and conducted as separate meetings of the Indigenous Regional Council.

Motion Carried

PROPOSED TRUSTEE DECISION – UGAR – IBIS TRUSTEE LEASE

Resolution

Moved Cr. Fell, Seconded Cr. Guivarra that the Trustee grant a Trustee Lease to the Islanders Board of Industries and Services ABN 42 060 262 890 part of the land identified in the **enclosed** sketch plan 100098-1 and comprising part of the Deed of Grant in Trust being lot 7 on CP TS174, County of Torres, Parish of Umaga, title reference 21296135, for construction and operation of a retail business or other business which the Lessee is entitled to carry on pursuant to section 60B of the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984 (Qld).

Motion Carried.

PROPOSED TRUSTEE DECISION – MABUIAG – IBIS TRUSTEE LEASE & HEALTH LEASE

Resolution

1. *Moved Cr. Fell, Seconded Cr. Bero* that the Trustee grant a Trustee Lease to the Islanders Board of Industries and Services ABN 42 060 262 890 part of the land identified in the **enclosed** sketch plan, being 715m² in area and comprising part of the Deed of Grant in Trust being lot 2 on CP TS168, County of Torres, Parish of Orman, title reference 21296133, for construction and operation of a retail business or other business which the Lessee is entitled to carry on pursuant to section 60B of the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984 (Qld).

Motion Carried.

2. *Moved Cr. Fell, Seconded Cr. Pearson* that the Trustee grant a Trustee Lease to the State of Queensland as represented by the Department of Health over land described as Lease A on SP 219919 comprising part of the Deed of Grant in Trust being lot 2 on CP TS168, County of Torres, Parish of Orman, title reference 21296133, for the construction and operation of residential accommodation for the employees of the Lessee.

Motion Carried.

3. *Moved Cr. Fell, Seconded Cr. Soki* that the Trustee grant a Trustee Lease to the State of Queensland as represented by the Department of Health over land described as Lease H on SP 150250 comprising part of the Deed of Grant in Trust being lot 2 on CP TS168, County of Torres, Parish of Orman, title reference 21296133, for the construction and operation of a primary health care centre and residential accommodation for the employees of the Lessee.

Motion Carried.

PROPOSED TRUSTEE DECISION – BOIGU – EDUCATION & HEALTH TRUSTEE LEASES

Resolution

1. ***Lease to Department of Health***

Moved Cr. Banu, Seconded Cr. Fell that the Trustee grant a Trustee Lease to the State of Queensland as represented by the Department of Health over land described as Lease H on SP 151784 comprising part of the Deed of Grant in Trust being lot 4 on CP TS159, County of Torres, Parish of Orman, title reference 21296127, for the construction, operation and maintenance of a primary health care centre and residential accommodation for employees of the Lessee.

Motion Carried.

2. ***Lease to Department of Education and Training***

Moved Cr. Banu, Seconded Cr. Soki that the Trustee grant a Trustee Lease to the State of Queensland as represented by the Department of Education and Training over land described as Leases E and F on SP 151783 comprising part of the Deed of Grant in Trust being Lot 4 on CP TS159, County of Torres, Parish of Orman, title reference 21296127, for the construction, operation and maintenance of residential accommodation for employees of the Lessee and for any other Government Services Use reasonably incidental to those purposes.

Motion Carried.

- *Cr. Banu - Provided that Native Title Office process is accommodated in this process.*

PROPOSED TRUSTEE DECISION – PORUMA – CHURCH TRUSTEE LEASE & TORRES PILOTS IN PRINCIPLE CONSENT

Deferred to Cairns Meeting in May.

Motion Carried.

PROPOSED TRUSTEE DECISION – IAMA – EDUCATION TRUSTEE LEASE

Deferred to Cairns Meeting in May

PROPOSED TRUSTEE DECISION – ERUB – EDUCATION TRUSTEE LEASE

Deferred to Cairns Meeting in May

PROPOSED TRUSTEE DECISION – UGAR – FUEL BOWSER

Resolution

Moved Cr. Bero, Seconded Cr. Lui that the Trustee construct an improvement on part of the land identified in the enclosed sketch plan 100098-1 and comprising part of the Deed of Grant in Trust being lot 7 on CP TS174, County of Torres, Parish of Umaga, title reference 21296135, for construction and operation of a fuel bowser.

Motion Carried.

MER ISLAND FUEL BOWSER


- Do not have an in-principle consent as yet but the Native title Office are in very close negotiations and the PBC are extremely keen to get it, just a matter of finalising a Lot.
- In the next few weeks they should have an in-principle agreement.
- Chief Legal Officer to keep Cr. Day informed on this issue.

*It was noted that the Resolution at last meeting held at St. Pauls regarding Mer Fuel Bowser to **lay on table** and revisit at next Council meeting.*

MEETING CLOSED

With no further discussions, Mayor thanked members and Executive Management and staff for their attendance at the meeting, with special thanks to Cr. Pearson, the Divisional Manager and Community at large for billeting and for their hospitality.

5.00pm Meeting closed in prayer Cr. Day.


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Cr. Fred Gela
Mayor


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Mr. John Scarce
Chief Executive Officer