



Torres Strait Island
REGIONAL COUNCIL

MINUTES

ORDINARY MEETING

MONDAY 29TH NOVEMBER 2010

Please find attached Minutes of the above meeting held on 29th November 2010 at 9.25am – 5.30pm on Monday 29th November 2010 at *Joey Nona Conference Room, TSRA Office, Thursday Island.*

**Torres Strait Island Regional Council (TSIRC)
Ordinary Meeting**

**Held at the Joey Nona Conference Room, TSRA Office, Thursday Island
Monday 29th November 2010**

MONDAY 29TH NOVEMBER 2010

Present: Cr. Fred Gela, Mayor
Cr. Kenny Bedford, Deputy Mayor, Division 14 - Erub
Cr. Donald Banu, Division 1 – Boigu Island
Cr. Torenzo Elisala, Division 2 – Dauan Island
Cr. Keith Fell, Division 4 – Mabuiag Island
Cr. David Bosun, Division 6 – Kubin
Cr. Toshie Kris, Division 7 – St. Pauls
Cr. Nancy Pearson, Division 8- Hammond
Cr. Walter Mackie, Division 9 - Iama
Cr. Phillemon Mosby, Division 11 – Poruma Island
Cr. John Mosby, Division 12 – Yorke
Cr. Florianna Bero, Division 13 – Ugar
Cr. Ron Day – Division 15 – Mer Island
Ms Dania Ahwang, Deputy Chief Executive Officer
Mr. David Abednego, Executive Officer
Mr. Anthony Bird, Executive Manager Corporate & Finance
Mr. Lloyd Sunderland, Executive Manager Community Services
Mr. Patrick McGuire, Executive Manager Engineering Services
Mr. Noel Peters, Executive Manager Human Resources
Mr. Chris McLaughlin, Chief Legal Office
Ms Jess James, PR & Media Officer
Mrs Tania Sailor, Executive Secretary.

In attendance: Mr. Des Tillack, Work Place Health & Safety Advisor.

9.25am: 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.

ACCEPTANCE OF APOLOGY – COUNCILLORS ABSENCE

APOLOGIES NOTED

Cr. Ron Enosa, Division 3 – Saibai Island (*no explained reason given*)
Cr. Wayne Guivarra, Division 5 – Badu Island (*Attending another meeting in Cairns – but will be present at Ministerial Roundtable Tuesday 30th November 2010*)
Cr. Willie Lui, Division 10 - Warraber (*initial support between home duties(as his wife is providing 24hr care for her ill mother) and balancing work duties as well.*)
Mr. John Scarce, Chief Executive Officer

9.40am Cr. Pearson and Cr. Kris joined the meeting.

RESOLUTION

Moved Cr. Bedford, Seconded Cr. Banu that Council accepts the apology from Cr. Lui and Cr. Gulvarra for their absence at the meeting.

Motion Carried

Against: Cr. Pearson

It was noted that a letter be sent to Cr. Enosa to inform him that a formal notice of apology noting his reasons for his absence to the meeting needs to be given at an ample time and not on the 11th hour.

Moved Cr. Fell, Seconded Cr. P. Mosby that Council accepts the apology from Cr. Enosa for their absence at the meeting.

For: 6

Against: Cr. Pearson
Cr. Bosun
Cr. Mackie
Cr. Bedford
Cr. J. Mosby
Cr. Bero

Mayor's vote: For

Motion Carried

It was noted that whilst the CEO is on leave at this time:

- Ms Dania Ahwang is Acting CEO
- Mr. David Abednego is Acting Deputy CEO
- Ms Charlene Tabuai is Acting Executive Officer

DEPUTATIONS

Nil

BUSINESS ARISING FROM PREVIOUS MINUTES - COUNCIL MEETING

- **Amendments to minutes:**
 - Closed Business Notice - Chief Legal Office advised as from 1st July 2010 the Local Government Act 1993 no longer applies so the notice to go into closed business should read *"that in accordance with Regulations 72 of the Local Government Operations Regulations it is resolved for the Meeting to go into closed sessions to discuss 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.*
 - Spelling mistake under General Business, *Minister Roberts*, and not Minister Robertson.
 - Spelling mistake under Mayor Opening Remarks – *"that Councillors need to be wary, not weary.*

CONFIRMATION OF MINUTES - COUNCIL MEETING

Moved Cr. Day, Seconded Cr. Bero that the minutes of the Ordinary Meeting held 19th & 20th October 2010 be adopted as true and accurate.

Motion Carried

AUSTRALIA DAY JUDGING PANEL

- No nomination received as yet from TSIRC communities since advertised.
- Members discussed and agreed to have a separate committee for the judging panel consisting of Councillors:
 - Cr. Fell nominated himself.
 - Cr. Bedford nominated Cr. Pearson – Cr. Pearson Accepted.
 - Cr. Pearson nominated Cr. Bedford – Cr. Bedford declined.
 - Cr. Day nominated Cr. Kris – Cr. Kris Accepted.

It was resolved that the Judging Panel consists of:

- ***Cr. Fell***
- ***Cr. Pearson***
- ***Cr. Kris***

It was noted that Councillors to have those nominations to the Public Relations Officer via email prior to the 10th December - nominating on those categories or either one of those categories.

ASBESTOS MANAGEMENT

RESOLUTION

Moved Cr. Kris, Seconded Cr. Bosun that:

1. Expressions of interest are sought from companies with appropriate expertise in asbestos management to submit quotations for the development and implementation of an asbestos management plan in accordance with the Relevant Code; and
2. Funds for developing the plan to be sourced from the amalgamation funds of \$7.581M

Motion Carried

Mayor:

- In relation to housing itself, QBuild and Council have a handle on how much asbestos rental property houses there are in the communities and what needs to be dealt with.
- A program that is already compiled that is a going to be running parallel to the CBRC in terms of timing to actually look at demolishing and removing those houses.
- The issue discussed today of Asbestos Management is more in relation to our infrastructures that we use for our dealings in terms of providing services – working based infrastructures
- Cr. Pearson raised concern and identified a past rental dwelling that was constructed and is standing there in the community and there are other communities with the same issues.

PROVISION AND MAINTENANCE OF FIRE SAFETY EQUIPMENT AND ASSOCIATED FUNCTIONS

RESOLUTION

Moved Cr. Bedford, Seconded Cr. Kris that:

1. Funds amounting to \$795,743 be sourced from the amalgamation funds of \$7.581M to upgrade and maintain fire safety equipment and services to a standard required by relevant legislation.
2. Further alternatives are investigated in relation to fire safety issues at the Mer Island Guest House.

Motion Carried

MONTHLY INFRASTRUCTURE REPORT

Comments

➤ Mayor:

- It was noted that Boigu, Dauan and Saibai communities are practically in the front line in relation to the Cholera outbreak and the reports indicate that:
 - No water sample was sent to Cairns for Boigu and Dauan nor any indication of it being passed.
 - Saibai water sample was sent but there is no indication if it was passed or not.

- Executive Manager Engineering Services:
 - Assured Mayor that samples have been sent for Boigu, Saibai and Dauan.
 - At the date of this October report they haven't been sent but subsequently the tests have either come back or about to come back, and are usually received on a Friday so it could have been last Friday or this Friday.
 - As soon as there is a failure in one of the samples, the Cairns Laboratory doesn't wait for the written report they would ring and notify Engineering Services, QLD Health and the Regulator straight away who will then discuss the issue.
 - Executive Manager Engineering Services also notifies the Divisional Manager and takes whatever action is appropriate.
 - TSIRC Engineering Services has an excellent system in place and I think that's one of the reasons why glowing recommendation was given by QLD Health.
- Mayor requested that Executive Manager Engineering Services keep a very close eye on Saibai, Dauan and Boigu's water sample tests at this time.

RESOLUTION

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

Motion Carried.

DEVELOPMENT APPLICATIONS

➤ **Badu Island Resource Centre**

RESOLUTION

Moved Cr. Fell, Seconded Cr. Bosun that Council supports the proposed development application as presented for Badu Island Resource Centre.

Motion Carried.

➤ **Saibai Island IBIS Store**

It was noted that Mayor is an IBIS Board Member with regards to conflict of interest.

RESOLUTION

Moved Cr. Bedford, Seconded Cr. Day that Council supports the proposed development application as presented for Saibai Island IBIS Store.

Motion Carried.

It was noted that Cr. Fell left the room at 10.40am and returned 10.42am

➤ **Kubin Telstra Tower**

- It was noted that this tower will improve link up for computer systems – faster link up.
- It does not improve Mobile connection at this time
- Exchanges have been upgraded to handle BDSL (Broadband) – much faster on what is in place now which is the Next G signal.

RESOLUTION

Moved Cr. Kris, Seconded Cr. Bosun that Council supports the proposed development application as presented for Kubin Testra Tower subject to review of community feedback prior to final approval.

Motion Carried.

It was resolved that Council break for Morning Tea at 10.42am and resume 11.00am.

CHILD SAFETY – SAFE HOUSES

- Mr. Michael Brown from the Department of Communities brief members on establishing a Safe House for Torres Strait.
 - The Department of Communities has money to establish a Safe House.
 - There are Safe Houses at Pompuraaw, Kowanyama, Aurukun, Napranum, Doomadgee and will be at Lockhardt River, NPA, Mornington Island and some other southern places.
 - Looking at large houses that can take up to 6 Children and young people that have been removed from family to ensure their safety. This can be while an investigation is happening or to allow for reunification with family to occur. If they are removed out of community (typically Cairns) reunification is very difficult
 - Have been working on a model that could establish safe places in several locations – this would require the backing of each community.
 - A lot of consultation occurred during 2009 around Safe Houses and it's time to progress.
 - 3 models:
 - Normal Model
 - Split Model
 - Staffed Housing

- Cr. Pearson not particularly confident with things being built on TI or the inner islands because it is not fully resourced - utilised the same workforce they have in their cluster groups
 - Lack of kinship/family support workers.
 - Particularly concerned about things being built here on TI or within the inner islands but not really fully resourcing or supporting the need as this place offers other distractions so those are the things we need to consider especially when we talking about young people and their development after special circumstances.
- Mr. Brown – agrees with Cr. Pearson, and that's why the thinking is to try and look at the outer islands, the sad fact however, is that most kids have come to the negative attention of child safety on Horn and TI – numbers are bigger for Horn and TI and also the infrastructure are there and the support workers are here on TI (supposedly). We do have traineeship which we would need to build that capacity of people.
- Cr. Bedford
 - supported the idea of the 5 locations – because they do have that flexibility within cluster and throughout the region.
 - What about those situations where no matter what services you looking at for the children in those safe houses, because of the nature of our small communities, are not necessarily safe because they are not removed from community for a period of time that allows perpetrators and those at risk to have no real separation.
- Mr. Brown
 - they are moved to Cairns, sadly we have to move them to a place where they are not known.
 - This will not stop the issues happening, this will not stop kids from ever being removed from their community – even with the 5 locations, it will remove them partially from their community but to an adjacent community that is why it should be centralised here on TI.
- Mayor
 - recent discussions that Mayor had with Minister for Communities there is certainly a high need in looking at safe houses in communities, but the issue is, coming back to the point where Cr. Bedford has emphasized it gets worse than that we do not have any QPS presence in our communities, so whilst you would have the world's best safe house in the community, it is not necessarily safe in our communities because we don't have policing present.
 - While saying that – that should not be the primary reason why we don't have one but there is a strong push from TSIRC in terms of having QPS presence in communities whether it be in a cluster arrangement as such.
 - I have read an article in the Australian, it had some alarming figures indicating and informing the Public that 3 out of 10 kids that are in foster care are suicidal - commits suicide.

- So there is a lot of factors that contribute to causing someone to actually commit a suicide, I think for our kids here, removing them from their community can be seen as a solution but could be seen as a detriment as well depending on the situation itself.
- I think in all fairness to the Council we certainly want to have a united stance and put our views forward/across.
- What is estimated time frame for us to actually provide you with something where we capture the collective views and a basically united position in relation to what is the most suitable model and what needs to be in place for our region.
- When we put the position forward at looking at ongoing funding we make sure we highlight those types of concerns too as well.
- Mr. Brown
 - Guarantee ongoing money is there but it is recurrent money - around \$900,000 per year for each safe house program but I am told there is no more than that so that's been the challenge.
 - I don't really want to be putting pressure on Councillors but would love to hear from Councillors as individual in terms of your own communities because my understanding without going into names during the previous consultation in some communities people didn't want safe houses build in their community, similar to Lockhardt River – they didn't want the biggest house in town to be this one for child safety.
 - But each community needs to consider whatever model is decided by Council and if the Minister approves then we go with that.
 - Do not have a timeframe at this time, if councillors want to probe into a little more – feel free to do so.
 - It was noted that the program is purely Child Safety.
 - Age group taken in are 0 – 17 years and unfortunately the trend is often younger children and more often female.
- Mayor:
 1. TSIRC to liaise directly with Mr. Brown in relation to accessing information from him that Council would require in order to engage with Councillors so that way Councillors are in a position to pass an informed judgment and make a decision on it.
 2. Council can then put either one submission basically encompassing all the various views and opinions of each of the Councillors representing their communities.
 3. Things such as information on how much foster carers are available in system etc. will be build in to the overall submission that we put forward.

Cr. Bedford left the room at 11.30am returned 11.45am

Cr. Kris left the room at 11.30am returned 12.05pm

ASSET MANAGEMENT POLICY

Executive Manager Corporate & Finance presented a Power Point presentation on Asset Management Policy.

RESOLUTION

Moved Cr. Fell, Seconded Cr. Elisala that Council adopts:

- The Asset Management Policy for the 2010/2011 Budget Year in accordance with section 104 (6) of the Local Government Act 2009 and Local Government (Finance, Plans and Reporting) Regulation 2010; and
- The attached Asset Management Plans associated with the following asset classes Buildings (Community, Buildings (Corporate), Fleet and Plant , Transport, Recreation Facilities, Solid Waste Management and Water and Sewerage.

Motion Carried

It was resolved that Council break for Lunch at 12.30 – 1.15pm

Cr. Kris tendered his apology as he will be late to the meeting from Lunch.

CLOSED BUSINESS

RESOLUTION

Moved Cr. Bedford, Seconded Cr. Pearson that in accordance with Regulation 72 of the Local Government (Operations) Regulation 2010 it is resolved for the Meeting to go into closed sessions to discuss 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

It was noted that:

- Cr. Banu joined the meeting at 1.20pm (from lunch)*
- Cr. P. Mosby left the room at 1.23pm returned 1.24pm*
- Cr. Mackie left the room 1.24pm, returned 1.35pm*
- Cr. Kris and Cr. Fell joined the meeting 1.25pm (from lunch)*

MER ISLAND FREEZER

RESOLUTION

Moved Cr. Bosun, Seconded Cr. Kris that Council resolve to support option 1 of this report, namely the closure of the Mer Freezer and begin negotiations with other divisions to relocate the Freezer and then to restore the land upon which it occupies at Mer Island. Further subject to negotiations in moving it in the first instance and considerations over timeframe of 3 months.

Motion Carried

RANGER PROGRAM

- Members voted on whether this matter be "Layed on Table".
- **Voting Results:**

For:	8
Against:	3

- It was resolved that this report be "**Lay on Table**" until Council look at the findings or results of the Report that has been compiled - once the report comes up Council can convene the same discussion again.
- Mayor - In the interest of this organisation we need to engage in discussion with LSMU (Land and Sea Management Unit) so until that report is tabled then we need to highlight what cost shiftings we are experiencing as that should not be happening and apart from that what duplication in terms of report.

LAY ON TABLE

It was noted that:

Cr. Banu left the room at 1.50pm return 2.15pm
Cr. Elisala left the room 2.00pm returned 2.05pm

OTHER ISSUES DISCUSSED IN CLOSED BUSINESS

- Cr. Kris queried on staff movement to the new Cairns Office eg debtors etc once the office is set up – it was noted that there is no requirement for staff members such as debtors etc within offices in communities to move to the Cairns office.
- Cr. Fell expressed his concerns and disappointment on being called up by CMC for an interview. Chief Legal Officer reminded Councillors of Council's responsibility in regards to reporting of matters to CMC and Cr. Fell confirmed same advise was previously given to him by CEO.
- Cr. Kris sought clarification on former ICC Councillors who were on CDEP top up if they are getting paid some sort of compensation for being under the award system.

Cr. P.Mosby left the room at 3.00pm

END OF CLOSED BUSINESS

BUSINESS ARISING FROM INFORMATION REPORT

Revenue Raising

Executive Manager Corporate & Finance provided brief update on Council's own source funds (revenue) associated with a per head of population revenue raising instrument:

- It was at the last Council Meeting at Mabuiag where a question was raised and Council requested Executive Manager Corporate and Finance to look into its revenue raising powers associated with fees on residents.
- Also from Discussions with the Department of Infrastructure and Planning and the Council it was also raised as a means of getting additional revenue into the organisation.
- The investigation has revealed that there is an ability to raise approximately \$3M from a weekly payment of \$15.
- The investigation has not reviewed in detail what this could mean at the individual payee level, however, it is acknowledged that such a fee is a current burden that is not currently being carried by that individual.

For Information.

It was resolved that Council break for Afternoon Tea at 3.05 – 3.30pm

LATE REPORT

It was noted that:

Cr. P. Mosby joined the meeting at 3.45pm

Cr. Banu joined the meeting at 3.35pm after afternoon tea

Cr. Mackie joined the meeting at 4.37pm after afternoon tea

Cr. Bedford joined the meeting at 3.40pm after afternoon tea

MEMORANDUM OF UNDERSTANDING WITH TSRA

RESOLUTION

Moved Cr. Fell, Seconded Cr. Elisala that Council endorses A/Chief Executive Officer to enter into negotiations for implementation of a Memorandum of Understanding (MOU) with the Torres Strait Regional Authority to formalise an Integrated Service Delivery model for the benefit of the Torres Strait.

Motion Carried.

GENERAL BUSINESS

- **Dauan Septic Tank Pumps**
 - Cr. Elisala advised still not received the tanks at Dauan as yet and was concerned of the monsoon season approaching.
 - Health risk issue especially for elderly people.
 - Executive Manager Engineering advised that they follow up with Seaswift every week to see if those tanks have been delivered Seaswift keeps forgetting to put it on the boat to Dauan.
 - *Executive Manager Engineering to talk to Seaswift CEO, Fred White on this issue of the delivery by Seaswift to Dauan.*
- **Hammond**
 - Cr. Pearson expressed her thanks to Executive Manager Engineering Services and to the communities where the training of waste water has been happening as she has been receiving good feedback on that training. However, noted that some trainees were playing up.
 - Executive Manager Engineering Services advised that a couple of those trainees have played up and will get show causes.
- **Vehicles**
 - Cr. Bosun advised:
 - too many vehicles on Kubin and requested if possible that one could be sent to Hammond Island as it is costing them a lot in their budget for fuel.
 - Acting CEO is aware of this and can discuss this with the Divisional Manager. The vehicle in question is that of the CDEP supervisor.
 - Executive Manager Engineering Services advised there are two vehicles there that are absolutely necessary was looking at putting a 3rd vehicle at Kubin.
 - Cr. Kris:
 - Wanted to clarify who polices the use of the vehicles as there is a lot of vehicle running around after hours.
 - advises his own personal directions is to have a public meeting and put the staff in front of the public meeting and let them be accountable to the people, because if staff are working for the community so be it.
 - Acting Chief Executive Officer advised:
 - The Vehicle and Vessels Policy has been rolled out to communities.
 - If there are non-compliances anyone on the ground can report those observations through to the Functional Manager of that person who is not complying and TSIRC will follow it up and investigate those allegations.
 - So any staff member who sees non-compliance should be reporting it through that channel. But we need more information as to who it was, when it was for Council to investigate and take it further.
 - Cr. Banu:
 - Expressed that the Vehicle Policy is still non existent out on his community as staff continue to misuse the vehicles.

- Reporting the issue to the Divisional Manager is the issue as the report lays dormant, because they are playing the lead role in breaching those policies.
- highlighted his concerns that TSIRC is being put on risk of public safety eg kids riding in the back of council vehicles during working hours.
- will be raising the issue with Minister Roberts at the Ministerial meeting tomorrow in relation to his request for QPS presence on Boigu some 3 -4 months ago, with 3 QPS Officers showing up but advised Cr. Banu that they could only work between the hours of 8.00am – 4.00pm which was farfetched as all the activities happens after hours, under cover of darkness.
- The QPS argument was they can only work those hours because of their EBA issues. Cr. Banu expressed his disappointment and advised these issues should have been worked on prior to their coming out to Boigu. Cr. Banu, however, expressed his gratitude to Customs and Immigration for working around the clock and also to the Executive Manager Communities for his assistance and support in getting QPS out to Boigu.
- Mayor:
 - agreed and requested Cr. Banu to raise the issue with the Minister as it is a localised issue.
 - also found out that the Senior Sergeant based here on TI doesn't have the necessary delegated authority to approve overtime, the decision has to come from the Cairns office which is absolutely ridiculous.
- **Incorporative Organisations**
 - Cr. Kris raised the issue:
 - When Council did the MOU through discussions on Mer - is something that we as Councillors have to look at very seriously in our community.
 - Because once the amalgamation was announced and through that amalgamation process a lot of incorporative bodies was set up in Communities.
 - This will come back to TSRA and discussed at the Executive that Councillors need to go back into their communities and really look at those organisations and discuss with their communities in choosing which organisation that truly represents them.
 - St. Pauls have 4 incorporative bodies – at the last Community public meeting I discussed with them that they need to pick one community organisation that will be applying for funds to deliver programs to help community.
 - Eg. If you have the mens group incorporated then they should be applying for funds for mens business only not for projects to try and utilise CDEP - That should be left for the identified community organisation that the community wants.

- We seem to be caught with this huge circle of money going into community into different organisations and then it's being rolled over because people on the ground don't want to be part of the program because they were not consulted.
- So in one case where you have a woman's organisation apply for funding to help the men's organisation that haven't even been consulted and they feel offended that the woman's organisation didn't consult with them before they apply for that funds.
- so now we have a bucket of money sitting there which will be rolled over in 12 months we would basically look at how do we bring that back so that we could give it to someone else.
- Just to make members aware because at the end of the day when they don't get any money where do they go and regardless of how the process apply they still come back knocking on the Councillor's office door.
- We need to be aware of these issues because ORIC is now going around doing a review on their Office of Registration of Indigenous Corporation to look at how many organisations they have here in the Torres Strait and if those organisations are viable and if they are working.
- In some communities there are 20 incorporative bodies and the same members on every organisation so this is quite serious for us – how do we actually manage our community.
- This will stop progress for Councillors and Regional Council and TSRA from trying to provide service to meet the needs of the community. It's like everybody's competing on who knows how to build a better life when reality comes down to that one individual.
- **Mechanic**
 - Cr. Fell raised issues on:
 - Repairs and maintenance of vehicles
 - Incident reports if any have been filled in with regards to vehicles damaged or dented – do not think that the process is working in relation to damaged vehicles.
 - Referred to Tui who has been fixing and bringing vehicles to life at Mabuig that has been sitting dormant in the community for years
 - he is now to be replaced by a group from Weipa to fix cars etc.
 - Community at Mabuig is going to put something together in relation to Tui that they want him as the mechanic out there.
 - Mayor requested the appropriate Executive Manager to forward Cr. Fell an email regarding the issue he raised.

- **Vehicle Policy**

- Cr. Pearson advised with regards to the Vehicle and Vessel Policy – the policy should be provided and delivered to communities by HR Manager and not put the onus on Divisional Managers

- **Hammond – Horse - Bill of Sale**

- Cr. Pearson:
 - Horse on Hammond no longer an asset to Council.
 - One person has shown expression of interest to purchase the horse but waiting for a Bill of Sale.
 - Executive Manager Communities advised that the Bill of Sale is ready to go but would like to discuss this with Cr. Pearson and the Divisional Manager as he would like to clarify an issue that's been brought to his attention.

CEA – Use of Council Assets

- Cr. Bosun raised concerns that when CEA took over the CDEP there is no control over councils assets on the ground – supervisors and workforce are using whipper snippers, lawn mowers, chainsaw for personal use over the weekends and sometime during working hours.

Construction Team

- Cr. Kris raised concerns about losing few tradesmen because for some reason they cannot get on the Construction Team.
 - Need to look at putting local people on the Construction team
 - There are qualified plumbers as well as qualified painters but they are no guarantee or security for them on our Construction team.
 - concerns were raised also on how young trainee tradesmen are treated by the Plumbing Contractor at St Paul's.
- Mayor requested Acting CEO to look into the incident raised by Cr. Kris on the treatment of young trainees tradesman and also to look into expanding our building team especially when we have the \$300M investment about to be rolled out. The Local Government owned Corporation is our building team for the Region so we have potential to expand that. If people are there and are willing to work they basically will put up the time and that is something we need to consider because that's the aim of it anyway.

Ugar Admin Vehicle

- Reported by Councillor to Executive Manager Corporate & Finance of the Ugar Admin vehicle which was bumped at the store but advised only minor damage to the tail light and is willing to pay if she has to for the damage.

PORUMA ISLAND PTY LTD

Cr. Mosby and Mr. John Felan briefed Council on the position of the Poruma Island Pty Ltd, and options of going forward.

This was followed by a report tabled by Executive Manager Corporate & Finance complimenting Cr. Mosby and Mr. Felan's discussions during this meeting.

Poruma Island Pty Ltd (PIPL):

- is a wholly owned entity of the Torres Strait Island Regional Council – however, it is still a separate legal entity in its own right.
- owns and operates the business on Poruma Island known as the Poruma Resort.

Poruma Island Resort has struggled operationally and financially from the time it opened in 2002 - this occurred because of circumstances unexpectedly imposed upon it just before it opened which ultimately led to the business being left with:

- no skills transfer to islanders,
- no market identified,
- unsustainable room rates,
- no merchandising support,
- no tourism expert on the Board (as provided for in the company constitution); and
- no boat

The Divestment of Enterprises project has given new impetus to improve the operations at the resort.

Cr. P. Mosby:

- Recently convened a meeting with the Poruma Community to assess their interest in the original business plan being revived and the Resort being re-launched to the Market.
- Received Community support and has been working towards achieving this outcome.

Mr. John Felan has since been re-appointed to the Board to oversee the implementation of the original business and marketing plans and conduct or source any necessary training.

It is considered that PIPL can be successful subject to:

- The company having a sound Balance Sheet, and
- A suitable boat being available to the business.

The fundamental balance Sheet issues are the debts to TSRA (\$180,000) and TSIRC (\$293,000).

At its simplest level, Mr Felan advises that PIPL cannot turn itself into a profit making entity without:

- TSRA forgiving the outstanding loan of \$180,000;
- TSIRC gifting the capital invested in PIPL of approximately \$293,000; and
- TSIRC providing the Resort with a boat designed for the resort, approximately \$100K.

The minutes of the meeting of the Board of PIPL on the 17 November 2010 support the comments of Mr Felan. These minutes were distributed to Councillors at the meeting for information.

Executive Manager Corporate & Finance:

The Council is currently providing support to PIPL in the form of:

- Engaging WHK Accountants to act as advisors to the organisation, providing accounting, bookkeeping and training services to PIPL; and
- Engaging Stephen Devenish Preston Lawyers to provide specialist legal advice to the organisation.

A senior manager from WHK is scheduled to deliver MYOB accounting training to PIPL staff in the near future. MYOB has been purchased and is ready for installation. In addition, Mr Stephen Devenish was the original solicitor associated with structuring the PIPL.

PIPL is seeking from Council "gifted" capital of:

- \$290,000 for loan repayment; and
- \$100,000 to purchase a suitable boat (from David Mills, Former Manager of the Federal Hotel).

It was noted that:

- presently the amount requested to purchase the boat as advised by Mr John Felan is not budgeted nor can funds be 'freed' up to purchase the boat.
- There is approximately \$90,000 in the PIPL accounts and this is needed for salary payments.
- The Council is currently covering the TSRA Loan for the Resort of approximately \$34,000 per annum.
- The Directors of PIPL have identified financial areas of concern. These areas relate to repayment of loans and the acquisition of a boat for the Resort.
- At present there is not the budgeted capital capacity in either the Resort or the Council to fund the requirements of the Board of PIPL
- that the Poruma Island Pty Ltd as an organisation is a separate legal entity in its own right, whereas the rest of the other Divestments are associated with Council's ABN so they are actually in our Business,
- the Poruma Resort is not in the Council Asset's Register at all, that \$520,000 asset is shown outside of our register and is in the Poruma Island Pty Ltd Asset Register.

- It was noted, however, that Council:
 1. is a majority shareholder in the business.
 2. Being the Majority Shareholder means that we do our own books, we have to consolidate the Poruma Island Pty Ltd into our Accounts, but in terms of Poruma Island Pty Ltd as a separate legal entity they are still legally required to produce financial statements, raise their own purchase orders and do their accounts payable.
 3. as a shareholder probably in some respects could be used if the Council wanted, to vote some people in on the board or not.

Cr. Mosby raised concerns:

- that if the Company is to be wind down that's basically against the Divestment because to divest all enterprises one need to look at:
 1. which one is viable and divest in those in the first instance and which some has already happened in other communities.
 2. Identify which community entity would then take the divested enterprises and to provide support to build the capacity of that organisation such as Poruma Island Pty Ltd by providing a boat, providing funds or the assistance to put in submissions.
- Poruma is facing the employment reform now and tourism at a small scale is the only industry available to the 190 population of people.
- Hopes this is a learning experience for communities from both organisations that when parties come to invest in our communities that they see us through to the end and not just set us up to where we are today like Poruma.
- Having missed two meetings the last he heard of the Divestment Process that's been undertaken for the last 18 months, was when a paper was presented on the tender process of the Divestment and that was it.
- His Community Division did not even benefit from this Divestment process.
- If it wasn't for his pushing and enquiring as to where the Resort was at and how it's doing, it would not be at this table for discussion.
- Questioned is there a gap within the Regional Council on this process?
- Asked where the other communities are at with their divestment process of their organisations as he is concerned if others will find themselves in this predicament before getting the attention of the Regional Council.
- Concerned about all the other organisations on how far they have been engaged and the development and outcomes of these engagements – as now only two people have been involved in the Divestment process over the last two (2) months.

Mayor reassured Cr. P. Mosby:

- Council will be required to make a decision on it and there are options that need to be considered.
- Council need to look at providing initial support in doing submissions, and having frank discussions with the Economic Development arm of the TSRA especially in relation to the boat.
- A number of options Council need to think about are how we can actually look at the boat and maybe look at budgeting for the next financial year.

- However from the Executive Manager Corporate & Finance report and from the discussions with John Felan, Council don't have the luxury or the time to actually wait especially when the boat is available now from David Mills.
- So Dialogue needs to occur in terms of where to from here, so that way the Company and the Community are not left in the lurch.
- Look at what options legally within the parameters TSIRC/the Councillors can look at making decisions on or considering without placing the organisation also in a rock and a hard place.
- Look at actually responding because a letter has been brought to our attention too as well – need to know what Council or papers can be put forward not to note but for Council to consider and same to TSRA too.
- Both TSRA and TSIRC will be taking in legal advice as to what we can can't do legally.

Chief Legal Officer provided clarification:

- A Resolution was passed early this year with respect to a number of enterprises on Poruma that were to be divested from the Council ownership ie. The Sawadgee Lodge, Fuel Bowser and the Poruma Resort.
- What was agreed to Poruma Resort in that Resolution was:
 1. that Council transfer its shares to the Directors - it would just be a share transfer
 2. which would mean that Council will no longer be the shareholder - it would be the Directors of Poruma Island Pty Ltd who will then be the owners as well.
- This agreement hasn't been progressed for these obvious reason which has been brought to our attention today.
- The assistance that Council was going to provide in the initial stages of transfer was:
 1. Monitoring assistance
 2. Accounting and Business Management Training which has been done and the Directors of Poruma Island Pty Ltd were invited to the training – the training was to make sure that they are at a standard to be able to operate effectively.
 3. Then there was going to be a monetary roll out.
- Did not think that there was ever a consideration of wiping the slate clean when it comes to Council's original investment.
- It is up to the Board today as to what happens, it's just the way you look at it whether it was a gift or whether it was an investment by the Council.

Mayor:

- Acting CEO to liaise with Board to add dialogue with and at the same time with TSRA as well – need to work closely so that the paper up for consideration here is not something that will be placing the Councillors in an awkward position as well.
- Emphazied and encouraged Cr. P. Mosby to table this issue at the next TSRA meeting on the 9th December to stimulate and tease out discussions there and then especially in relation to whether or not there has been some thinking around the letter Cr. P. Mosby sent to TSRA and its Officers as well.
- Next TSIRC meeting Council should be considering something then.

- Acting CEO to follow up and provide an update report at the next Council meeting on the point raised by Cr. P. Mosby about acquittal of the divestment money.
- Further it was noted that this report also be sent to the Board of Directors of Poruma Island Pty Ltd as well so they are kept updated as well and everyone is on the same page.

It was noted that:

- Cr. Bosun left the room 4.53pm returned 4.58
- Cr. Fell left the room 4.55pm returned 4.58pm

5.24pm **COUNCIL MEETING CLOSED**

MEETING OF COUNCIL AS TRUSTEE OF COMMUNITY DOGIT

Moved Cr. Bero, Seconded Cr. Pearson that in accordance with Section 85 of the Local Government Act 2009 (QLD), 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 TRUSTEE LEASES – IAMA TRUST CHANGE PROPOSAL

Leases to Department of Education and Training

RESOLUTION

Moved Cr. Mackie, Seconded Cr. Pearson that the Trustee grant:

1. a Trustee Lease to the State of Queensland as represented by the Department of Education and Training over land described as Lease B on Crown Plan 825770 and Lease S on SP 151800 comprising part of the Deed of Grant in Trust being Lot 13 on CP TSI77, County of Torres, Parish of Giaka, title reference 21296138, 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, *subject to the Submission of Development Application.*

Motion Carried.

Against: Cr. Banu

MEETING CLOSED

5.30pm Meeting closed in prayer Cr. Fell.



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Cr Fred Gela
Mayor



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Mr John Scarce
Chief Executive Officer