



**Torres Strait Island**  
REGIONAL COUNCIL

**MINUTES**

**ORDINARY MEETING**

**WEDNESDAY 12TH SEPTEMBER 2012**

Please find attached Minutes of the above meeting held on Wednesday 12th September 2012 at 9.10am – 5.00pm at *the TSIRC Conference Room, Torres Strait Haus, Victoria Parade, Thursday Island.*

**WEDNESDAY 12TH SEPTEMBER 2012**

**Present:** Cr. Fred Gela, Mayor  
Cr. Keith Fell, Deputy Mayor, Division 4 - Mabuiag Island  
Cr. Dimas Toby, Division 1 – Boigu Island  
Cr. Ron Enosa, Division 3 – Saibai Island  
Cr. Horace Baira, Division 5 – Badu Island  
Cr. David Bosun, Division 6 – Kubin, Moa Island  
Cr. Toshie Kris, Division 7 – St. Pauls  
Cr. Mario Sabatino, Division 8- Hammond  
Cr. Getano Lui Jnr, Division 9 - Iama  
Cr. Ted Billy, Division 10 - Warraber  
Cr. Fraser Nai, Division 12 – Yorke  
Cr. Jimmy Gela, Division 14 – Erub  
Mr. John Scarce, Chief Executive Officer  
Ms Dania Ahwang, Deputy CEO  
Mr. Anthony Bird, Executive Manager Corporate & Finance  
Mr. Pat McGuire, Executive Manager Engineering Services  
Mr. Chris McLaughlin, Chief Legal Officer  
Mr. Jess James, PR & Media Officer  
Mrs Dinah Sailor, Executive Secretary.

**9.10am:** Meeting opened in prayer by Cr. Billy.

**Apologies:** Cr. Joel Gaiden, Division 2 - Dauan Island  
Cr. Phillemon Mosby, Division 11 – Poruma Island  
No Rep for Division 13 – Ugar  
No Rep for Division 15 – Mer Island

**WELCOME AND OPENING REMARKS**

- Mayor Fred Gela
- Welcome

**PRESENTATION**

**“WEED IT OUT” PROGRAM**

- Mayor welcomed John Harris and Detective Senior Sgt Kevin Goan (Officer-in-Charge, Far Northern Region Drug Squad) to provide new Council a brief background on the “Weed it Out” Program, in particular to submit and seek Government support in looking at some Legislative changes to flex out infringements of individual’s trafficking of drugs throughout the Region.
- Discussions included:
  - Brief background on “Weed it Out” program.
  - All harms associated with Drug Use (Cannabis)
  - Changes to the Legislation to make a deterrent to supplying drugs into the Communities.

- ✦ Mayor advised:
  - i. CEO to provide a discussion paper on this issue to next Ordinary Council Meeting.
  - ii. Mr. Harris and Senior Sgt Goan will be informed if their presence is requested at the next Council Meeting.

## **ACCEPTANCE OF APOLOGY – COUNCILLORS ABSENCE**

### **APOLOGIES NOTED**

#### **CR. P. MOSBY**

- Cr. Phillemon Mosby, Division 11 – Poruma Island (*Commitments to Cultural Festival Preparation and TSRA Campaigning for upcoming Election*)

#### **RESOLUTION**

*Moved* Cr. Nai, *Seconded* Cr. J. Gela that Council accepts the apology from Cr. Mosby for his absence at this meeting.

**Motion Carried**

#### **CR. GAIDEN**

Cr. Joel Gaiden, Division2 – Dauan Island (*Townsville after Court Hearing was unable to return back to TI in time for the Meeting*)

#### **RESOLUTION**

*Moved* Cr. Billy, *Seconded* Cr. Enosa that Council accepts the apology from Cr. Gaiden for his absence at this meeting.

**Motion Carried**

#### **DEPUTATION** - Nil

## **BUSINESS ARISING FROM PREVIOUS MINUTES – BUDGET MEETING**

- ✦ ***Turtle and Dugong***
  - Mayor discussed the Policy No.27 – on Turtle and Dugong
    - ▶ Received advice from Minister Curtis Pitt that the Policy was going to be tabled.
    - ▶ was of the understanding that its only purely budget, and that it may have been listed but not discussed and the matter left 'lay on the table' for November so that Government can actually go over the second reading.
    - ▶ It may be on hold at this time on account that Council is seeking for political consultation in our Communities.
    - ▶ will seek advice and get back to Councillors in relation to Policy No.27, as to whether or not it was read out.

➤ **Community Aspirations to take over IBIS Stores**

- It was noted:
  - ▶ that Communities can flag at anytime under Legislation that aspiration but in the first instance need to develop some sort of a model.
  - ▶ Council happy to go ahead and develop the model if that is what Communities want but so that Councillors are aware under the legislation IBIS must develop a model
  - ▶ There is no issues with leases as they can be transferred over if other communities decided to follow the aspirations of Yam and Boigu.
  - ▶ Cr. Lui advised need to leave options open – if there is that feeling for communities to move forward then Council give Communities the ability to do so and if assistance is required then it comes back to Council for technical support.
- It was proposed that:
  - ▶ IBIS resolution to be put to the floor before General Business.
  - ▶ The Minister and IBIS be advised that this is what the Communities want to do.

**RESOLUTION**

**CONFIRMATION OF MINUTES - BUDGET MEETING**

*Moved* Cr. Fell, *Seconded* Cr. Billy that the minutes of Council Budget Meeting held 24th July 2012 be adopted as true and accurate.

**Motion Carried**

**BUSINESS ARISING FROM PREVIOUS MINUTES – ORDINARY MEETING**

➤ **LGOC Corporate Committee**

- ▶ No update at this time.
- ▶ Public Benefit Assessment (PBA) has been sent to the Minister.
- ▶ It was noted that members be kept up to date on the LGOC Update and Corporatisation via email.

➤ **BRACS Issues**

- ▶ RIBS Funding Agreement.
- ▶ Negotiations are taking place to look at the flexibility of the safety of operators when recruiting where infrastructures are falling to bits and equipments that are not working.
- ▶ That is the level of dialogue happening in the first instance and council will be kept informed of the situation.

➤ **Integrated Service Delivery (ISD)**

- ▶ Regional Plan and ISD sign off - needs to be registered and reflected so that Councillors is provided with the opportunity to evaluate and a report to be provided to the next Council.

## **RESOLUTION**

### **CONFIRMATION OF MINUTES - COUNCIL MEETING**

*Moved Cr. Nai, Seconded Cr. Billy that the minutes of Council Ordinary Meeting held 25th July 2012 be adopted as true and accurate.*

**Motion Carried**

### **PRESENTATION CEREMONY - COMMUNITY POLICE OFFICERS**

- ✦ Mayor provided brief background on awards to be presented today to two (2) Community Police Officers whose prompt response and efforts in organizing search and rescue, engaging the Community of Kubin on the night of 2nd September 2012, saved the lives of 11 persons (including 4 children) in a boating incident between Kubin and Badu Island.
  - ▶ It was noted
    - that the incident report also indicated and acknowledged the involvement of other courageous individuals during the search and rescue out of Kubin
    - Council to be provided with the names of those individuals and work towards recognizing and acknowledging those individuals presenting certificates in their communities to recognize and acknowledge their act of bravery.
  - ▶ At this time in the first instance Council wishes to recognize and acknowledge its two (2) employees for their bravery efforts on the night of 9<sup>th</sup> September 2012.
- ✦ *Mayor presented Certificates to Senior Sgt. Eunice Hosea and Constable Percy Maitie.*

***It was resolved that Council break for Lunch at 10.15am – 10.40pm.***

### **ADVISORY COMMITTEE**

- It was noted that under the Legislation Council has the ability to establish an Advisory Committee.
- Discussions is to look at deciding two (2) things
  - Establishment an Advisory Committee; and
  - Remunerating the Advisory Committee

## **RESOLUTION**

*Moved Cr. Lui, Seconded Cr. Kris that:*

- Council resolves to create temporary Divisional Advisory Committee on an 'as needs' basis;
- Remuneration at the discretion of the Divisional Councillor;
- Remuneration @\$100 per day;
- Membership be capped at 10;
- That matter be brought back to Council for review in three (3) months time;

**MOTION RESCINDED**

- ✦ Prior to next Council meeting, Admin to remind Councillors via email to provide feedback from the Community on the matter and that it be "let lay on Table" for further discussion with a paper being developed and presented at the Council meeting.

### **RESOLUTION**

Moved Cr. Nai, Seconded Cr. Sabatino that Council resolved that the Advisory Committee Report be "let lay on table" for further discussions at next Council Meeting.

**Motion Carried**

**Against:** Cr. Kris

### **HAMMOND MINI MART**

It was noted that Cr. Sabatino left the room (11.50pm-12.10pm).

- ✦ *Discussions around the recommendations put forward:*
  - Option 1 - Tender
    - That Council: -
      - ▶ arrange resurvey of the lease areas to include as one (1) lease area and to include surrounding garden area;
      - ▶ seek Expression of Interest for the lease for a period of no less than 21 days;
      - ▶ request all tenderers present to the Hammond Island community at a pre-arranged forum; and
      - ▶ arrange a poll of electors of the Hammond Island Electorate to select preferred tenderer;
      - ▶ all costs of tender and lease be borne by the successful tenderer (resurvey, development application etc).
  - Option2 – Lease to Cr. Mario Sabatino
    - That the CEO be given authority to negotiate and enter into a lease with Cr. Mario Sabatino on commercial terms stipulated in the previous offer of 13 September 2010 within a period of three (3) months from the date of this resolution, failing which proceed with Option 1.
- ✦ It was noted that Council agrees to adopt Option2, subject to that level of engagement with the Community in decision-making.

### **RESOLUTION**

Moved Cr. Lui, Seconded Cr. Baira that the CEO be given the authority to negotiate and enter into a lease with Cr. Mario Sabatino on commercial terms stipulated in the previous offer of 13 September 2010 within a period of three (3) months from the date of this resolution, failing which proceed with Option 1.

**Motion Carried**

## **STATEMENT OF PRINCIPLES**

As requested by Council at Standing Committee Meeting held 2 August 2012, CEO presented a draft sequence of actions to deliver on the intent of the Statement.

## **RESOLUTION**

*Moved Cr. Fell, Seconded Cr. J. Gela* that Council adopts the sequence of actions to deliver on the aspirations of the Statement of Principles.

**Motion Carried.**

***It was resolved that Council break for Lunch at 12.30pm – 1.30pm.***

## **MABO DAY AWARDS**

### Local Awards:

- Categories:
  1. Local Knowledge Award
  2. Traditional Singing and or Dancing Award
  3. Artist Award
- Look at awarding these awards each per Division – nominations per division
- Judging panel to include Councillor of that Division.

### Distinction Award for the Region

- Category:
  1. Persistence and Determination
  2. Artist
- Look at awarding per person for the whole Region.
- Judging panel – Mayor suggested establishing a small Committee to go through all the applications.

## **RESOLUTION**

*Moved Cr. Nai, Seconded Cr. Bosun* that the categories for Mabo Day Award nomination and judging process for 2013 be chosen and endorsed by Council. Categories would include:

### Cultural Achievements – Community Local Awards:

- Local Knowledge award
- Traditional singing and or dancing award
- Artist award

### Distinction Awards – Regional:

- Persistence and determination
- Artist

**Motion Carried.**

### **AUSTRALIA DAY AWARDS**

It was noted:

- NAIDOC Celebrations - can always work in partnership with Torres Shire.
- Cultural Festival – after 2012 Cultural Festival discussions will take place in looking at holding one in the TSIRC area at alternative years to Thursday Island.

Mayor advised another category would be to look at level of recognition for the designer of the Torres Strait Islander Flag, the late Bernard Namok every year on Australia Day.

Award categories include:

- Citizen of the Year
- Young Citizen of the Year (15-25)
- Senior Citizen of the Year (65+)
- Community Event of the Year
- Australia Day Achievement Award
- Australia Day Sports Award
- Australia Day Cultural Award
- Employee of the Year Award
- Woman of the Year Award
- Quiet Achiever Award
- Australia Day
- Mabo Award

### **RESOLUTION**

*Moved Cr. J. Gela, Seconded Cr. Billy* that the categories for Australia Day Award nominations and judging process for 2013 be chosen and endorsed by Council.

**Motion Carried.**

### **BUDGET UPDATE**

#### **RESOLUTION**

*Moved Cr. Billy, Seconded Cr. J. Gela* that Council:

- Incrementally increases the Community Grants and Donations Budget for each Division by \$10,000 to a total of \$20,000 per Division for the financial Year ending 30th June 2013; and that
- Council notes that for the reporting period identified, after the budget the adjustments occurs for Community Grants that the budget is revenue neutral, excluding Building and Accounting for Accrual Revenue, e.g. O & M water.

**Motion Carried.**



## **COMMUNITY GRANTS**

It was noted Cr. Baira declared his conflict of interest

## **RESOLUTION**

*Moved* Cr. Baira, *Seconded* Cr. J. Gela that Council endorses as presented funding up to the amount of \$20,200 from the Regional Community Grants fund to Badu Island Individuals and Community Group.

### **Motion Carried.**

**Against:** Cr. Fell  
Cr. Toby

## **GENERAL BUSINESS**

### ➤ **IBIS**

- Whole Sale
  - ▶ IBIS is not in the business of coming in and competing against Indigenous small business.
  - ▶ Mayor tabled on account of two (2) specific communities, Hammond and Badu, in looking at the local operations that are community driven.
  - ▶ to look at whether there is potential and possibility for IBIS to actually provide that wholesale service – give people the opportunity to come in and have that access of buying power and the prices that IBIS actually fetch there.
- Gas/Power Cards
  - ▶ Followed up discussions with the IBIS CEO and formalised the gas and power card sales.
- Fuel Sales
  - ▶ Will need to touch base in communities' in the first instance.

### ➤ **Divestment of Enterprise**

- ▶ Mayor advised a paper be presented at next Council Meeting for Divestment of IAMA in relations to issues but in particular the solutions to the issues..

### ➤ **Diesel Fuel**

- ▶ CEO to look into addressing the issue of supplying diesel into communities as requested by Cr. Lui for his community.
- ▶

### ➤ **Building Tender advertisement**

- ▶ Noted that advertisements for Contractual works needs to be advertised locally in Cairns Post, Torres News, and Flyers in communities, and placed on Notice Boards in the Community.

### ➤ **St. Pauls Duplex**

- ▶ Deputy CEO still following up on this matter.

- Update on Asbestos Dwellings on Badu
  - ▶ Deputy CEO advised a report will go to the October Standing Committee meeting on Asbestos.
- Tender for old Council Vehicles
  - ▶ Divisional Manager or MSAO to provide EMCF with registration number of those vehicles.
  - ▶ look on the asset register to see what their value is, to see whether they can be put up for tender or not.
  - ▶ Tender can be advertised by placing an advertisement on Council's noticeboard.
- Staff Appointments/Recruiting
  - ▶ Notification of appointments to positions in communities – to keep Councillors informed of the process.

***It was resolved that Council break for Afternoon Tea at 3.30pm – 3.45pm.***

**3.45pm**      **CLOSED BUSINESS**

*Moved Cr. Sabatino, Seconded Cr. Fell* 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**

Executive and Staff was asked to leave the meeting room.

**IN-CAMERA SESSION**

**4.00pm**      **END OF CLOSED BUSINESS**

Executive and Staff returned to the meeting room.

**CEO SUCCESSION**

Report left 'lay on table' for further discussions in closed business at next Council Meeting.

### **LOGISTICS CONTRACTS**

It was noted that CLO to include in the MOU

- Indigenous local employment
- Scope to look at what level of ability and influence Council would have in regulating the frequency of freighting.

### **RESOLUTION**

*Moved* Cr. Fell, *Seconded* Cr. Nai Council authorises the CEO to enter into Partnership Agreement with Sea Swift as attached.

Further that the MOU be amended to include:

1. Indigenous employment
2. To have that level of influence to regulate some of those freighting services

**Motion Carried**

**Against:** Cr. Sabatino

### **OCTOBER MEETING AGENDA**

1. CEO Succession in closed business.

### **COUNCIL MEETINGS**

Councillors agreed that Ordinary meetings be held over two days.

### **5.10pm MEETING CLOSED FOR THE DAY**

With no further discussions, the meeting closed in prayer by Cr. Lui.