



**Torres Strait Island**  
REGIONAL COUNCIL

**MINUTES**

**ORDINARY MEETING**

**THURSDAY 31 MAY 2012**

Please find attached Minutes of the above meeting held on Thursday 31st May 2012 at 1.00pm – 3.35pm at *the TSIRC Conference Room, level 3, 111-115 Grafton Street, Cairns.*

**Torres Strait Island Regional Council (TSIRC)  
Ordinary Meeting  
Held at the *TSIRC Conference Room, Level 3, 111-115 Grafton Street, Cairns*  
Thursday 31 May 2012  
1.00pm – 5.00pm**

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**THURSDAY 31ST MAY 2012**

**Present:** Cr. Fred Gela, Mayor  
Cr. Keith Fell, Deputy Mayor, Division 4 – Mabuiag Island  
Cr. Dimas Toby, Division 1 – Boigu Island  
Cr. Joel Gaiden, Division 2 – Dauan  
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. Phillemon Mosby, Division 11 – Poruma Island  
Cr. Fraser Nai, Division 12 – Yorke Island  
Cr. Jerry Stephen, Division 13 – Ugar Island  
Cr. Jimmy Gela, Division 14 – Erub Island  
Cr. Aven Noah – Division 15 – Mer Island  
Mr. John Scarce, Chief Executive Officer  
Ms Dania Ahwang, Deputy Chief Executive Officer  
Mr. Anthony Bird, Executive Manager Corporate & Finance  
Mr. Patrick McGuire, Executive Manager Engineering Services  
Mr. David Abednego, Executive Officer  
Mr. Chris McLaughlin, Chief Legal Officer  
Mrs Dinah Sailor, Executive Secretary.

**Observers:** Nil

**In**

**Attendance:** Mr. Douglas Stephen, IT Manager  
Mr. Andrew Cortis, Systems Administrator

**Apologies:** Mr. Anthony Bird, Executive Manager Corporate & Finance  
Mr. David Abednego, Executive Officer

**1.40pm:** Council Special Meeting commenced

**OPENING REMARKS**

- ✦ Mayor Fred Gela went through proceedings for today's meeting noting that only those items on the Agenda is to be discussed today.
  - Agenda Item 9.2 on the Agenda "*Tender Evaluation Poruma Sewerage*" has been withdrawn awaiting Native Title consent.

- Noted that Councillors will be using Meeting IPADS to access the Agenda for today's meeting with the assistance of CEO, IT Manager and Systems Administrator in navigating the agenda on the IPADS.

### **COUNCIL REMUNERATION**

- It was noted:
  - That the remuneration allowance is taxable.
  - CEO to provide a report with pros and cons on Superannuation for July Council Meeting so Councillors can discuss further on which directions they would like to take and make a decision.
  - .

### **RESOLUTION**

*Moved* Cr. Bosun, *Seconded* Cr. Noah that Council in accordance with section 43 of the *Local Government (Operations) Regulation 2010*, Council Authorises the Chief Executive Officer to seek changes to the remuneration on behalf of the Mayor, Deputy Mayor and Councillors, the request being: That the Council remuneration be equivalent to that of a category four (4) remunerated Council.

- Mayor 80% equals \$109,719
- Deputy Mayor 50% equals \$68,575
- Councillors 42.5% equals \$58,288

**Motion Carried.**

**Against:** Cr. Sabatino

### **LGAQ BOARD**

- It was noted:
  - The Indigenous Councils have the ability to nominate 2 representatives to the LGAQ Board.
  - At this time three (3) nominations have been put through for the two (2) positions on the LGAQ Board:
    1. Torres Strait Island Regional Council
    2. Palm Island Council
    3. Lockhart River Council
  - Voting will take place for the two (2) positions.

### **RESOLUTION**

*Moved* Cr. Nai, *Seconded* Cr. J. Gela that Council ratifies the action of the Chief Executive Officer in nominating Cr. Fred Gela Mayor to stand for LGAQ Board.

**Motion Carried.**

## **LGOC BUILDING SERVICES**

### **RECOMMENDATION**

*That Council:*

- *Adopts the Public Benefit Assessment April 2012;*
  - *Reaffirms to establish a Local Government Owned Corporation Structure for its Building Services Unit in accordance with the Local Government Act 2009;*
  - *Authorises the CEO to forward the Public Benefit Assessment to the State Government to establish the LGOC; and*
  - *Authorises the transmittal of resources and staff to the LGOC to commence operation in its own right as soon as practicable after the State Government Authorises the establishment.*
  - *Requests all Councillors to furnish with the CEO by the 15 July 2012, language name for the Corporation so a report can be written for consideration at the July Ordinary meeting.*
- CEO to provide background information and attachments regarding LGOC and email to all Councillors.

✚ **Moved Cr. Mosby Seconded Cr. Stephen that the propose recommendation be let "LAY ON TABLE".**

**Motion Carried**

## **ANNUAL REPORT 2010-2011**

### **RESOLUTION**

*Moved Cr. Nai, Seconded Cr. Billy that Council adopts the Annual Report for 2010-2011.*

**Motion Carried.**

**Against:** Cr. Stephen

## **2010 FINANCIAL STATEMENTS**

Chair or Audit Committee Eric Muir to attend Council Ordinary meeting to do a presentation on Council's Audit.

### **RESOLUTION**

*Moved Cr. Sabatino, Seconded Cr. Kris that Council acknowledges that it has been presented with:*

- A copy of the Queensland Audit Office stamped report for the Financial Statements ending 30 June 2011;
- The transmittal letter to the Mayor for the period ending 2011; and
- The transmittal letter to the Mayor for the period ending 2010.

**Motion Carried.**

## **PLANNING DEVELOPMENT APPLICATION – SAIBAI IBIS STORE**

### **RESOLUTION**

*Moved Cr. Enosa, Seconded Cr. Fell* that Council advises IBIS that it supports the proposed development and will consent to an application for Building Works, subject to the following conditions:

- (a) *The applicant is to ensure that any works are limited to the approved lease area;*
- (b) *The applicant is to obtain Building Approval in accordance with the Building Act prior to commencing construction; and*
- (c) *The proposed use is required to be adequately serviced by provision of water supply, sewerage disposal, electricity and telecommunications and any infrastructure upgrade costs are to be borne by the applicant.*

Further to the above, that Council provide the applicant with the following advice:

*State Planning Policy 3/11: Coastal Protection identifies the subject site as being within the 'High' Hazard Area. For further information, refer to <http://www.derm.qld.gov.au/coastalplan/>*

**Motion Carried.**

## **PLANNING DEVELOPMENT APPLICATION – DAUAN IBIS STORE/DWELLING AND CREATION OF LEASE**

### **RESOLUTION**

*Moved Cr. Kris, Seconded Cr. Gaiden* that Council advises the applicant that it supports the proposed development and will consent to an application for Building Works, subject to the following conditions:

- (a) *The applicant is to ensure that any works are undertaken in accordance with the submitted plans and are limited to the approved lease area;*
- (b) *The applicant is to obtain Building Approval in accordance with the Building Act prior to commencing construction; and*
- (c) *The proposed use is required to be serviced by provision of water supply, sewerage disposal, electricity and telecommunications to the satisfaction of Council, and any infrastructure upgrade costs are to be borne by the applicant.*

**Motion Carried.**

## **IBIS IAMA**

Cr. Lui gave a briefing on lease of Iama IBIS:

- IBIS proposal to renew the lease was declined by the Community of Iama, subjected to be negotiated because the land where the IBIS Store is located is reclaimable land and so has been reversed to the Community.
- Wishes of the Community is to:
  1. Lease to IBIS for a 5 year lease
  2. Within the 5 years it will be a Community run store with IBIS as the Wholesale Supplier or get someone else in to take care of that business for the Community

- That is the wish of the Community and it's been put forward at the Community Public Meeting and endorsed.
- Have had discussions with Chief Legal Officer (CLO) to see Community organising with running of the store further down the track.
- Looking forward for some feedback on the matter if CLO has had discussions with IBIS on the Community's wishes.

CLO to liaise with Cr. Lui and Cr. Toby out of session on the issue regarding their Community's aspirations to take over the running of IBIS.

## **PLANNING DEVELOPMENT APPLICATION – PORUMA SEWERAGE SCHEME**

### **RESOLUTION**

*Moved* Cr. Mosby, *Seconded* Cr. Nai that Council issue a Development Permit for 'Prescribed Tidal Works' and an 'Environmentally Relevant Activity' (ERA 62(2)(b) - Operating a sewage treatment works, other than no release works, with a total daily peak design capacity of 100 to 1500 EP) with the inclusion of the following conditions:

1. The proposed development is to be undertaken in accordance with the following approved drawings:

<b>Plan/Document number</b>	<b>Plan/Document name</b>	<b>Date</b>
AECOM Dwg 60150055-28 Rev 0	Poruma Island Sewerage Scheme Ocean Outfall Pipeline Layout Plan	8/8/2011
AECOM Dwg 60150055-29 Rev 0	Poruma Island Sewerage Scheme Ocean Outfall Pipeline Longitudinal Section – Sheet 1 of 2	8/8/2011
AECOM Dwg 60150055-30 Rev 0	Poruma Island Sewerage Scheme Ocean Outfall Pipeline Longitudinal Section – Sheet 2 of 2	8/8/2011
AECOM Dwg 60150055-31 Rev 0	Poruma Island Sewerage Scheme Sewage Treatment Plant Layout Plan	8/8/2011
AECOM Dwg 60150055-32 Rev 0	Poruma Island Sewerage Scheme Sewage Treatment Plant Operators Building	8/8/2011
AECOM Dwg 60150055-33 Rev 0	Poruma Island Sewerage Scheme Ocean Outfall Details	8/8/2011

1. This approval is valid for two (2) years. Works must substantially commence within this time, otherwise the approval will lapse.
2. The applicant is to obtain relevant approvals under the Building Act 1975.
3. The applicant is to obtain Native Title consent prior to commencement of works.

**Motion Carried.**

**PLANNING DEVELOPMENT APPLICATION – BADU ISLAND CHILD CARE CENTRE**

- Applicant acknowledged that the site was in the wrong location when they submitted this application and are now negotiating with the PBC for a suitable location for the Child Care Centre.

**RECOMMENDATION**

*Further that the Department of Education, Employment and Workplace Relations that supports the proposed development, subject to the following conditions:*

1. *Development is to be undertaken generally in accordance with the approved plans, being as follows:*
  - *Drawing No. THI1101\_BAD\_WD001B – Site Plan*
  - *Drawing No. THI1101\_BAD\_WD101B – Floor Plan*
  - *Drawing No. THI1101\_BAD\_WD201B – Elevations*
  - *Drawing No. THI1101\_BAD\_WD301B – Sections*
2. *Relevant approvals under the Building Act 1975 must be obtained prior to commencement of works;*
3. *The proposed development is to be connected to water supply, sewerage, electricity and telecommunications infrastructure to the satisfaction of Council. Details of these connections must be provided to Council prior to lodging an application for Building Works.*

**RESOLUTION**

*Moved Cr. Baira, Seconded Cr. Sabatino that Council haven't rejected the Child Care Centre, but only rejects this Application until further negotiations with the PBC for a suitable location.*

**Motion Carried**

**It was resolved that Council break for afternoon tea at 3.10pm.**

## **CLOSED BUSINESS**

*Moved* Cr. Fell, *Seconded* Cr. Enosa 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.**

Noted:

- ▶ Cr. Toby declaration of conflict of interest but was advised he was safe to stay on during this session.
- ▶ Cr. Stephen declaration of material personal interests and he excused himself from the meeting during this session.

## **END OF CLOSED BUSINESS**

## **ISSUES RATIFIED FROM CLOSED BUSINESS**

### **ENTERPRISE DIVESTMENT**

#### **RESOLUTION**

*Moved* Cr. Fell, *Seconded* Cr. Gaidan that Council acknowledges that it has been presented with:

- (1) That in accordance with Chapter 4, Sections 176 and 185 of Local Government (Finance, Plans and Reporting) Regulation 2010 (Qld), Council enter into negotiations with the following entities with a view to those entities acquiring the following businesses, buildings and associated non-current assets and staff on terms acceptable to the Chief Executive Officer of Council, and recommend grant of trustee leases to each entity over relevant land as presented:

#### ***UGAR ISLAND***

<u>Entity</u>	<u>Enterprises</u>
<i>Kos and Abob Fisheries (TSI) Corporation</i>	Freezer

#### ***MABUIAG ISLAND***

<u>Entity</u>	<u>Enterprise</u>
Aiaga Whap	Guesthouse



- (2) That the Council refrain from pursuing round 3 tender for remaining undivested enterprises and proceed to divest remaining undivested enterprises by way of Expression of Interest in accordance with Chapter 4, Sections 176 and 185 of Local Government (Finance, Plans and Reporting) Regulation 2010 (Qld), where such applicant is eligible under section 185(1)(b).

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**Motion Carried**

**CLOSING REMARKS**

Mayor

- Sought Input from Councillors for agenda items to Council meeting. Councillors to email the items to the Mayor.
- Looking at input from Cr. Noah around the Communications Network

CEO

- expressed his apology to all Councillors on some issues regarding Island Kastoms and advised it was not his intention to come across as being disrespectful.
- Encouraged all Councillors to speak to him or any of the staff or Executives that if they feel that we are disrespecting Island Kastoms or anything like that to them up at the time.
- Encouraged Councillors to email him on any urgent issues they may have and he will endeavour to get all the information out to everyone or answer any questions they may have and may be able to resolve but needs to flag it now instead of letting the issue linger on or waiting for the next Council Meeting to address the issue.

**COUNCIL MEETING CLOSED**

**5.00pm** With no further discussions, the meeting closed in prayer by Cr. Lui (Jnr)