



MINUTES

ORDINARY MEETING

TUESDAY 20 & WEDNESDAY 21 AUGUST 2013

Please find attached Minutes of the above meeting held on Tuesday 20th August 9.10am – 4.20pm & Wednesday 21st August 9.15am to 6.40pm at Torres Strait Haus 46 Victoria PDE Thursday Island.

TUESDAY 20th AUGUST 2013

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 Island
Cr. Ron Enosa, Division 3 – Saibai Island
Cr. Horace Baira, Division 5 – Badu Island
Cr. Toshie Kris, Division 7 – St. Pauls, Moa Island
Cr. Mario Sabatino, Division 8- Hammond
Cr. Getano Lui Jnr, Division 9 - Iama Island
Cr. Ted Billy, Division 10 - Warraber Island
Cr. Phillemon Mosby, Division 11 – Poruma Island
Cr. Fraser Nai, Division 12 – Yorke Island
Cr. Rocky Stephen, Division 13 – Ugar Island
Cr. Jimmy Gela, Division 14 – Erub Island
Cr. William Akee, Division 15 – Mer Island
Mr. John Scarce, Chief Executive Officer
Ms Dania Ahwang, Deputy CEO
Mr Anthony Bird, Executive Manager Corporate
Mr Pat McGuire, Executive Manager Engineering Services
Mr Chris McLaughlin, Chief Legal Officer
Mr. Jeff Hartley, Chief Finance Officer
Ms Dinah Sailor, Executive Secretary

9.10am: Meeting opened in prayer by Cr Enosa.

Apologies: Nil

Noted that Cr. Toby absent during morning session and joined the meeting after lunch.

ONE MINUTE SILENCE

There was a minute silence to pay respect to families who have lost their loved ones recently.

MAYOR'S WELCOME AND OPENING REMARKS

Mayor:

- Welcome
- Briefing on amendments of agenda and proceedings for the next two day.

DEPUTATION - Nil

Item 5.1 SUMMARY ACTION ITEMS

- CEO brief update of the actions item summary from last Council Meeting.
- Item 1 – Norfolk Recycling
Action: EMES to provide report to next Council Meeting.
- Item 25 - Lot 41 Guide Rails - poorly coordinated and managed.
Action: Complete ASAP.
- Item 29 – Dental Petition
Action: DCEO to organise electronic copies to all Councillors of the dental petitions along with a covering letter to the Minister.
- Item 32 – Excess Water Charges
Action: Review the methodology of charging excess water.

Item 5.2 BUSINESS ARISING FROM PREVIOUS MINUTES

- ✦ Community Consultation
 - Mayor briefly updated Councillors of their Community Consultation visits recently to Mer, Erub and Masig.
- ✦ Rescinding a Resolution
 - It was noted that on rescinding a Resolution four (4) days has to be provided in reference to a resolution being rescinded.

CONFIRMATION OF MINUTES

Moved Cr. Bosun, Seconded Cr. Akee that the minutes of Council held 16-17 July 2013 be adopted as true and accurate.

Motion Carried

It was noted that Council break for Morning Tea 10.40am – resumed 11.00am

Item 7 PRESENTATION – HEALTH ISSUES

Presentation on health issues by the following Departmental representatives:

Ms Simone Kolaric Qld Health CEO
Dr Oscar Whitehead, Director of Medical Services QLD Health
Mr Clayton Harrington DFAT
Mr Andrew Richards DIC
Dr. Geoff Clarke, AusAID Representative

Briefing and Lengthy discussions on concerns raised by Council relating to:

- TB Health Issues
- Dental Clinic

Action: DCEO to invite Simone Kolaric to attend next Council Meeting at Poruma.

It was noted that Council break for Lunch 1.30pm – 2.15pm.

MOTION FROM THE FLOOR:

RJCP

Resolution

Moved Cr. Sabatino, Seconded Cr. J. Gela that Council writes to TSRA, My Pathway and relevant Ministers instructing them that no Community Development Workshop is to be undertaken within the TSIRC Local Government Area until such time the Council is satisfied with the approach, mechanism and outcome of the RJCP Service, further all current CDEP/RJCP activities are to be suspended as at 31st August 2013.

Motion Carried

It was noted Cr. Kris joined the meeting at 2.50pm (after lunch)

Item 6

ENTERPRISE BARGAINING AGREEMENT

Nomination for a Councillor to be appointed as Management Representative on the EBA Committee, along with Mayor, Cr. Fred Gela.

Cr Fell nominated Cr. Mario Sabatino. Cr. Sabatino accepted.

Resolution

Moved Cr. J. Gela, Seconded Cr. Akee that Council appoints Cr. Fred Gela and Cr. Mario Sabatino to the Enterprising Bargaining (EB) Committees to sit as Management Representatives.

Motion Carried

Item 9 **LOT 8 RESERVIE TRANSFER PORUMA**

RESOLUTION

Moved Cr. Mosby, Seconded Cr. Nai that Council resolve to accept from the State of Queensland (as represented by the Department of Education, Training and Employment) the transfer to Council as Reserve land under the Land Act 1994 (Qld), described as Lot 8 on CP TS167, County of Torres, Parish of Giaka, Title Reference 49016775, to act as future Trustee for community purpose.

Motion Carried

Item 10 **WARRABER ADVISORY COMMITTEE**

It was noted that:

1. the Advisory Committee Members for Warraber appointed are:
 - Mr. Willie Lui
 - Mrs Clara Tamu
2. After seeking advice from the CLO, Cr. Billy was happy to leave the EOI for Warraber open should more members be interested and decide to apply.

RESOLUTION

1. Moved Cr. Billy, Seconded Cr. Enosa that pursuant to Section 264 of the Local Government Regulation 2012 (Qld), Council:-
 - a. Appoint the Warraber Island Advisory Committee and
 - b. Approve the Terms of Reference (Attached); and endorse the selection of up to four (4) voting members by the member for Warraber Island under Expression of Interest process; and
 - c. Approve remuneration of \$100 per day per voting member in accordance with the Terms of Reference.
2. That Council approve budget revision to allow Annual Budget of no more than \$6000 per Divisional Advisory Committee, per annum.

Motion Carried

Item 11 **REGIONAL COMMUNITY GRANTS**

3.08pm Cr. Baira declared his MPI and left the room.

Action: Review Community Grants Policy etc at the October workshop.

Item 11.1 KULPIYAM FOOTBALL CLUB APPLICATION

Resolution

Moved Cr. Bosun, Cr. J. Gela that Council resolved to provide \$5000 from the Regional Grant to Kulpiyam Football Club further informing Kulpiyam Football Club that Council will be reviewing and developing a set of criteria's to look at effectively managing the Regional Community Grants to be administered in the future and that they will be informed of the developments accordingly.

Motion Carried

Item 11.2 ARAGUN FOOTBALL CLUB APPLICATION

Resolution

Moved Cr. Kris, Cr. Bosun that Council resolved to provide \$5000 from the Regional Grant to Aragon Football Club subject to whether they have not been fully funded by the Carnival organisers as defending Champs. Further that Council will be reviewing and developing a set of criteria's to look at effectively manage the Regional Community Grants to be administered in the future and that they will be informed of the developments accordingly.

Motion Carried

COUNCIL MEETING – IAMA/HAMMOND

It was noted that venue for the Council Meeting for the month of October and December as requested by Councillors for that Division will be as follows:

15 & 16 October 2013	Iama Island
10 & 11 December 2013	Hammond Island

4.00pm COUNCIL MEETING CLOSED

Item 13 **MEETING OF COUNCIL AS TRUSTEE OF COMMUNITY DOGIT**

RESOLUTION

Moved Cr. Nai, *Seconded* Cr. Stephen that in accordance with Section 83 of the Local Government Act 2009 (QLD), Management of Community Development of Grant Trust, the meeting of the Trustee of Community DOGIT be convened and conducted as separate meetings of the Indigenous Regional Council.

Motion Carried

Noted that Cr. Fell and Cr. Bosun was absent during this session.

Item 13.1 **SCDC SAIBAI VARIETY STORE LEASES**

RESOLUTION

Moved Cr. Enosa, *Seconded* Cr. Kris that pursuant to the Torres Strait Islander Land Act, the Trustee grant a standard lease to the Saibai Community Development (TSI) Corporation ICN 7102 over land identified as Lease K on SP230811 in Lot 3 on CP TS157, County of Torres, Parish of Giaka, Title Reference 21296134 being approximately 427m² in size, for operation use and maintenance of a retail store, subject to Native Title consent under the Native Title Act 1993 (Cth).

Motion Carried

4.20pm **MEETING CLOSED FOR THE DAY**

Meeting closed in prayer by Cr. Lui.

WEDNESDAY 21ST AUGUST 2013

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 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, Moa Island
Cr. Mario Sabatino, Division 8- Hammond
Cr. Getano Lui Jnr, Division 9 - Iama Island
Cr. Ted Billy, Division 10 - Warraber Island
Cr. Phillemon Mosby, Division 11 – Poruma Island
Cr. Fraser Nai, Division 12 – Yorke Island
Cr. Rocky Stephen, Division 13 – Ugar Island
Cr. Jimmy Gela, Division 14 – Erub Island
Cr. William Akee, Division 15 – Mer Island
Mr John Scarce, Chief Executive Officer
Ms Dania Ahwang, Deputy CEO
Mr. Anthony Bird, Executive Manager Corporate & Finance
Mr Jeff Hartley, Chief Finance Officer
Mr. Pat McGuire, Executive Manager Engineering Services
Mr. Chris McLaughlin, Chief Legal Officer
Ms Dinah Sailor, Executive Secretary

9.15am: Meeting opened in prayer by Cr. Fell.

Apologies: Nil

It was noted :

- Cr. Enosa joined the meeting at 9.40am
- Cr. Bosun joined the meeting at 10.20am

GENERAL BUSINESS

✦ Sea Claim handed down recently.

Action

1. Report to be presented to the next Council Meeting on proposed Sea Claim by Council
2. Mayor to issue a Media Release in response to the recent Sea Claim handed down.

It was noted that Council break for Morning Tea at 10.50am – 11.30am

11.30am SESSION WITH WARREN ENTSCHE (Member for Leichhardt)

It was noted that Council break for Lunch at 1.20pm – 2.15pm

GENERAL BUSINESS (CONT'D)

✦ Debtors Write Off/Revenues

Action

1. CEO to deliver an information report on the Debtors Collection.
2. CEO to write a report on Revenue stream immediately available to Council.

✦ Transactional Plan (TAP) for relocating functions from Cairns to the Torres Strait.

Action – CEO in conjunction with the full Council to take lead in moving forward to achieving goals and developing TAP around deliverables. First discussions to take place at October workshop.

✦ Home Renovated for Contractor – Iama Island

Action – DCEO to follow up.

✦ Hot Water Solar System installation – Iama Island

- With this being rolled out to other communities, Cr. Lui raised concerns that the installation of this system may not work as he was having trouble with his on Iama.

Action – DCEO to follow up and liaise directly with Cr. Lui.

✦ Desalination Project – Iama Island

Action

1. EMES to follow up on the issue raised by Cr. Lui that old materials were being used in the Desalination Project works on Iama.
2. Mayor will look into Cr. Lui's request that a formal apology be given from the Contractor (AECOM) to the IAMA Council on his accusations that the community was stealing materials left on the Island for the Desal Project.

✦ Grants

- New Grants Officer started this week.

Action – CEO to provide paper for Council identifying Community's aspirations with prioritization to be set at the October workshop.

✦ Badu – Pot Holes and Drive Way

Action – EMES to follow up and liaise with Cr. Baira..

It was noted that Council break for Afternoon Tea at 1.20pm – 2.15pm

GENERAL BUSINESS (CONT'D)

- ✦ Councillors travel to attend former Leaders Funeral
Action – Paper to be prepared by EMCS and presented to Council next Ordinary Meeting on policy for Councillors travel costs to attend former Leaders' funeral.
 - ✦ Badu – TV Installations
Action – DCEO to follow up on installations of Digital TV on Badu.
 - ✦ Mer/Mabuiag Wharf
Action – EMES to follow up - funding to be allocated.
 - ✦ Poruma – Kitchen Renovations Poruma Community Hall
Action – Awaiting Funding on this. DCEO will discuss with Cr. Mosby out of session.
 - ✦ Asset Registers
Action – EMCS to email copy of detailed Asset Register list to all Councillors
 - ✦ CFO Position Description
Action – CEO/Mayor to look into this.
 - ✦ Hammond Workshop Power Connection
Action – Get Building Team to check that works were compliant.
 - ✦ Lot 41 – Guide Rails unsafe to use
Action – DCEO to follow up with Building Team Manager and liaise directly with Cr. Sabatino on the date of completion.
 - ✦ Trust Account for Hammond (DOGIT).
Action – DCEO and CLO to follow up and liaise directly with Cr. Sabatino.
 - ✦ Councillors' contribution to Ugar Church
 - Contribution by Councillors to Ugar Church – total of \$10,000
 - Cr. Fell, Cr. Toby, Cr. Bosun, Cr. J. Gela, Cr. Akee, Cr. Mosby, Cr. Nai, Cr. Gaiden, Cr. Lui and Cr. Kris - \$500 each
 - Cr. Sabatino \$1000
 - Cr. Stephen \$1000
 - Cr. F. Gela \$3000
 - Contribution by Cr. Toby to Mabuiag Church - \$500
- Action** – DCEO to organise contributions made by Councillors to the Ugar Church, a total of \$10,000 and \$500 by Cr. Toby to Mabuiag Church.
- ✦ St. Pauls and Kubin proposed to donate boulders and rocks should any major works comes up at Ugar for the seawalls around the area of the church.

- ✦ Council Meeting – lama
 - It was noted that Cr. Lui swapped meeting dates with Cr. Sabatino. Council Meeting at lama in October, and Hammond in December.
Action: DCEO to discuss with Cr. Lui the process/preparation in hosting Community Meeting.
- ✦ Plaque Prime Minister's Visit to lama
Action: EMES to organize refurbishing the Airport plaque prior to Council meeting at lama.
- ✦ It was noted that the following Councilors conveyed their apologies for the next Council Meeting at Poruma:
 - Cr. Lui (Officiating at a wedding)
 - Cr. Bosun (prior commitment overseas)
 - Cr. Enosa (Study Leave)

5.00pm

CLOSED BUSINESS

RESOLUTION

Moved Cr. Enosa, Seconded Cr. Akee that in accordance with s275 of the *Local Government Regulation 2012* it is resolved for the meeting to go into closed session to discuss s275

- 9a) the appointment, dismissal or discipline of employees; or
- (b) industrial matters affecting employees; or
- (c) the local government's budget; or
- (d) rating concessions; or
- (e) contracts proposed to be made by it; or
- (f) starting or defending legal proceedings involving the local government;
- or
- (g) any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; or
- (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

Further the public in attendance are asked to leave.

Motion Carried

5.55pm

All Staff with the exception of the CEO and DCEO, were requested to leave the room.

6.40pm

END OF CLOSED BUSINESS

It was noted that Cr. Stephen and Cr. Sabatino declared their interests and left the room Agenda items 19.1 & 19.2.

Item 19.1 MARITIME CHARGES

RESOLUTION

Moved Cr. Nai, Seconded Cr. J. Gela that Council approves the proposed Schedule of Port Charges and directs the Chief Executive Officer to prepare an appropriate set of Port Rules consistent with Subordinate Local Law No. 1 (Administration) 2013 to enable their implementation.

Motion Carried

Item 19.2 BUS SERVICE EOI

Cr. Nai declared his interests and left the room

BUS SERVICE – HAMMOND FERRY

RESOLUTION

Moved Cr. Kris, Seconded Cr. Mosby that Council resolves, pursuant to section 236(1)(b)(ii) of the *Local Government Regulation 2012* (Qld), to dispose of community buses owned and operated by Council by way of Expression of Interest, and further accepts the tender from Hammond Ferry.

Motion Carried

Against: Cr. F. Gela

BUS SERVICE – IAMA (FRED BANN)

Withdrawn

BUS SERVICE – MABUIAG (MARGARET LARRY)

RESOLUTION

Moved Cr. Fell, Seconded Cr. Bosun by that Council delegate authority to CEO to go into discussion with Margaret Larry in relation to the purpose of bus service and if acceptable, accept the tender, if not, bring back to the table.

Motion Carried

Against: Cr. Kris

BUS SERVICE - MASIG CAMPUS

RESOLUTION

Moved Cr. Kris, Seconded Cr. Mosby that Council resolves, pursuant to section 236(1)(b)(ii) of the *Local Government Regulation 2012* (Qld), to dispose of community buses owned and operated by Council by way of Expression of Interest, and further accepts the tender from Masig Campus.

Motion Carried

Against: Cr. Mosby

BUS SERVICE – UGAR (SAIMO STEPHEN)

RESOLUTION

Moved Cr. Fell, Seconded Cr. Gaiden that Council resolves, pursuant to section 236(1)(b)(ii) of the *Local Government Regulation 2012* (Qld), to dispose of community buses owned and operated by Council by way of Expression of Interest, and further accepts the tender from Saimo Stephen.

Motion Carried

Against: Cr. Mosby

BUS SERVICE – ERUB (H. GHEE)

RESOLUTION

Moved Cr. J. Gela, Seconded Cr. Kris that Council resolves, pursuant to section 236(1)(b)(ii) of the *Local Government Regulation 2012* (Qld), to dispose of community buses owned and operated by Council by way of Expression of Interest, and further accepts the tender from H. Ghee.

Motion Carried

Cr. Sabatino, Cr. Nai and Cr. Stephen returned to the room.

Item 19.3 BADU ISLAND POST OFFICE DIVESTMENT

RESOLUTION

Moved Cr. Baira, Seconded Cr. Fell that Council resolve: -

- A. to authorise the Chief Executive Officer to transfer the Australia Post Community Postal Agency at Badu Island to Badu Island Foundation Ltd.
- B. pursuant to section 236(1)(b)(ii) of the Local Government Regulation 2012 (Qld), to dispose of stock on hand at the Badu Island Community Postal Agency to the Badu Island Foundation Ltd.

Motion Carried

Item 19.4 FIRE SERVICES

RESOLUTION

Moved Cr. Fell, Seconded Cr.J. Gela that Council resolve that this report is in closed business in accordance with s275, Part (e) contracts proposed to be made by it; and

That Endfire Engineering Pty Ltd is awarded the contract for the provision of asset management fire services

Motion Carried

OBSERVAIR

Engage in further discussion around schedules and track operation safety wise.

LET LAY ON TABLE

PRIOR ADVICE – TREATY VISITATIONS

RESOLUTION

Moved Cr. J. Gela, Seconded Cr. Fell that after information being provided by QLD Health, AusAID, DFAT and DIAC as to the risk associated with transmittal of TB, Council resolves to commence signing prior advice for Treaty Visitations effective immediately, subject to determination by the Divisional Councillor. Further in conjunction with QLD Health, distribute fact sheets on TB Transmittal to all Communities as an awareness measure.

Motion Carried

Against: Cr. Mosby
Cr. Sabatino
Cr. Bosun

RESOLUTION

Moved Cr Sabatino, Seconded Cr Kris that in accordance with section 262 of the *Local Government Regulation 2012*, and notice provided by Cr Fred Gela Mayor and Cr Mario Sabatino, Council repeals the Operational Plan resolutions namely:

Resolution 1

Moved Cr. Kris, Seconded Cr. Sabatino that further to the Operational Plan Resolution of the 19th June 2013, that Council resolve to reallocate all Principal Workplace Relations Advisor deliverables between Legal and Corporate (As determined appropriate by the CEO in consultation with the Mayor), and resolve to instruct the Mayor to direct the CEO to terminate the contract of the redundant Principal Workplace Relations Advisor position provided contractual implications are quarantined to no more that 6 months pay in Lieu of Notice (plus accruals).

Motion Carried

and

Resolution 2

Moved Cr. Baira, Seconded Cr. Akee that they Mayor be delegated powers to determine alternate course of action where the Principal Workplace Relations Advisor Position/contractual entitlements are in excess of Resolution 1, with the outcome reported to Council at Ordinary Meeting in Closed Business.

Motion Carried

Situated on page 20 of the June 2013 ordinary minutes

Motion Carried

6.40pm

COUNCIL MEETING CLOSED