



**Torres Strait Island**  
REGIONAL COUNCIL

**MINUTES**

**ORDINARY MEETING**

**TUESDAY 21 & WEDNESDAY 22 MAY 2013**

Please find attached Minutes of the above meeting held on Tuesday 21st May 9.05am – 5.00pm & Wednesday 22nd May 2.40pm to 5.15pm at the *TSIRC Conference Room, Torres Strait Haus, 46 Victoria Parade, Thursday Island.*

## **TUESDAY 21st MAY 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. Jeffrey Hartley, Chief Financial Officer  
Mr. Chris McLaughlin, Chief Legal Officer  
Ms Dinah Sailor, Executive Secretary

**9.05am:** Meeting opened in prayer by Cr. Billy.

**Apologies:** Cr. David Bosun, Division 6 – Kubin, Moa Island

### **WELCOME AND OPENING REMARKS**

- ▶ Mayor Gela
  - Next Meeting Mer Island 18-19 June 2013
  - Works in process at this time at the Mer Island Guest House and the Mer Community Hall, and Builders should have them completed before our Council Meeting is scheduled to be held at Mer Island.
  - Proceedings for meetings to be held on Thursday 23<sup>rd</sup> May
    - ▶ Joint Sitting with NPARC Mayor & Councillors – morning session.
    - ▶ Mayor will flag TSC Mayor if they would have a rep. be available to attend tomorrow, if not look at another date to have a Joint Meeting with them.
  - It was noted General Business to be tabled on Wednesday 22<sup>nd</sup> May, to allow other reports from Day two (2) to be put through first.

**Item 3**                    **ACCEPTANCE OF APOLOGY – COUNCILLORS ABSENCE**

**CR. DAVID BOSUN**

- Cr. David Bosun, Division 6 – Kubin Community, Moa Island (*Leave exhausted as Cultural Adviser with the Ngalmun Lagau Minaral Art Centre, unable to take further leave to attend Council Meeting, needs to attend cultural research in Canberra*).

**RESOLUTION**

Moved Cr. Enosa, Seconded Cr. J. Gela that Council accepts the apology from Cr. Bosun for his absence at this meeting.

**Motion Carried**

**Against:** Cr. Fell  
Cr. Sabatino  
Cr. Mosby  
Cr. Nai

**Item 4**                    **DEPUTATION:** Nil

**Item 5**                    **BUSINESS ARISING FROM PREVIOUS MINUTES/CONFIRMATION OF MEETING**

- ▶ Notice of Meetings to Community hosting the Council Meeting regarding Deputation.  
**Action:** CEO to look at the context of wording for Notice of Deputation and ensure the Notices are up in advance on Notice Boards in the Community hosting the Council Meeting.
- ▶ Treaty
  - Monitoring of movement and health issues
- ▶ Boigu Island Advisory Committee Resolution
  - It be noted that Cr. Lui did not vote against the resolution and that it be amended from the minutes.
- ▶ MOU - TSRA
  - One of the topics to be discussed at the Joint Sitting in resolving this issue.
- ▶ Timely Action of Council -Resolution  
**Action:**
  - Administration to report back to council on actions via resolution
  - Mayor suggested looking at a table of action items to be tabled as a report to council.
- ▶ Pg4 – Kubin to St. Pauls Road works - commencement date
  - Executive Manager Engineering Services advised timeframe to be after Hammond Works.

**CONFIRMATION OF PREVIOUS MINUTES**

**RESOLUTION**

*Moved Cr. Sabatino, Seconded Cr. Nai that the minutes of Council held 16-17 April 2013 be adopted as true and accurate.*

**Motion Carried**

**Item 6**

**CORPORATE STRUCTURE**

**RESOLUTION**

*Moved Cr. Gaiden, Seconded Cr. Baira that Council adopt in accordance with section 196 (1) of the Local Government Act 2009 the Corporate structure as presented. (Attachment A)*

**Motion Carried**

*It was noted that Cr. Fell was absent from the room during voting.*

**Item 7**

**SOCIAL HOUSING RENTAL**

**RESOLUTION**

*Moved Cr. Lui, Seconded Cr. Sabatino that Council conduct a workshop within each Community on the Housing Assistance Agreement with the State Government and once complete, report back to Council for further direction or endorsement.*

**Motion Carried**

**Item 8**

**VISITORS BOOK – SLL7**

**RESOLUTION**

*Moved Cr. Fell, Seconded Cr. Nai that Council resolve to endorse the draft Visitor's Book (colour) design as presented at a cost of \$1,421 (GST Incl). (Attachment B)*

**Motion Carried**

**Item 12**  
**10.20am**

**CLOSED BUSINESS**

**RESOLUTION**

*Moved Cr. Mosby, Seconded Cr. Enosa 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*

- (a) 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**

**4.05pm**

**END OF CLOSED BUSINESS**

**Item 12.1**

**COUNCILLORS EXPENSE REIMBURSEMENT POLICY**

**RESOLUTIONS**

*Moved Cr. Mosby, Seconded Cr. J. Gela that Council adopt the revised Expense Reimbursement Policy. (Attachment C)*

**Motion Carried**

**Item 12.2**

**ENTERPRISE BARGAINING AGREEMENT (EBA)**

**RESOLUTIONS**

*Moved Cr. Mosby, Seconded Cr. Nai that Council authorise the Chief Executive Officer (assisted by PWRA & Chief Legal Officer) to withdraw Council's application for certification of the certified agreement and enter into discussions with identified employees for common law contracts and pursue 4 separate certified agreements for indoor clerical, children services and building trades' employees and works employees.*

**Motion Carried**

*It was noted that Cr. Kris was absent from the room during voting.*

***It was noted that Council break for Morning Tea 11.05am – 11.30am***

**Item 12.3**      **DIVISIONAL STRUCTURE**

**RESOLUTION 1**

*Moved* Cr. Nai, *Seconded* Cr. Gaiden that Council maintain the current arrangement of Divisional Manager reporting to the Executive Officer and the Divisional Engineering Officer reporting to the functional manager and Executive Manager of Engineering Services.

**Motion Carried**

**RESOLUTION 2**

*Moved* Cr. Baira, *Seconded* Cr. Stephen that the Councillor, CEO or CEO report, DM and DEO meet once a month either in person, video conferencing or teleconference to review work plans and other issues.

**Motion Carried**

**Against:** Cr. Toby

**Item 14.1**      **MIP ASSET SUSTAINABILITY (DESALINATION PROJECTS)**

**RESOLUTIONS**

*Moved* Cr. Nai, *Seconded* Cr. Gaiden that Council adopt the following recommendation:

The Project Manager, AECOM, considers that based on the Tender assessment, Robert Clarke Builders offers Council the best value for money.

The Project Manager recommends that Robert Clark Builders be awarded the tender for the Infrastructure Asset Replacement Project - Group B (Desalination Plants) (Boigu, Warraber & Iama) Project.

I recommend that Council accepts the Project Manager's recommendation, provided that any time or cost over-runs or related cost issues are met by the project funders and not by Council, and be given a strong guarantee that the scope will not be reduced.

**Motion Carried**

**Against:** Cr. Sabatino

***It was noted that Council break for Lunch 1.15pm – 2.30pm.***

**Item 14.2**      **ABORIGINAL & TORRES STRAIT ISLANDER LEGAL SERVICE (ATSILS)**

**RESOLUTIONS**

*Moved Cr. Billy, Seconded Cr. Mosby that Council resolve for the Mayor to write to the Board of the Torres Strait Regional Authority and the Attorney-General, regarding its funding of the Aboriginal and Torres Strait Islander Legal Service and expressing its disappointment to the service level provided to remove communities in the local government area and seeking dramatic improvement, and review.*

**Motion Carried**

*It was noted that Cr. Enosa joined the meeting after lunch at 2.50pm*

**Item 14.3**      **BADU ISLAND FOUNDATION (BIF) RATE RELIEF**

- Executive Manager Corporate Services to liaise further with Cr. Baira.

*It was noted that this report be "Let Lay on Table" until tomorrow session.*

*It was noted that Council break for Afternoon Tea 3.35pm – 4.00pm*

4.05pm

**COUNCIL MEETING CLOSED**

**Item 15**

4.07pm

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

*Moved Cr. Billy, Seconded Cr. Sabatino 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**

- *It was noted that Cr. Sabatino declared his Conflict of Interest and Material Personal Interest (MPI). As a result of MPI Cr. Sabatino left the room at 4.08pm.*
- *Mayor Gela declared his Conflict of Interest (in relation to Charles Sabatino Lease Application).*

**Item 15.1**      **99YR LEASES – HAMMOND ISLAND**

**RESOLUTION 1**

*Moved* Cr. Fell, *Seconded* Cr. Gaiden that pursuant to section 119(1)(a)(i) of the Aboriginal Land Act 1991 (Qld), the Trustee grant a standard lease to Phillip Sabatino over the land identified in the attached drawing, being approximately 6,448m<sup>2</sup> in size and comprising part of the Deed of Grant in Trust being lot 155 on CP TS172, County of Torres, Parish of Port Kennedy, title reference 21296131, for residential purposes, subject to: -

- a. Development Approval under the Sustainable Planning Act 2008 (Qld);
- b. Survey; and
- c. Native Title consent under the Native Title Act 1993 (Cth) (as applicable).'

**Motion Carried**

**RESOLUTION 2**

*Moved* Cr. J. Gela, *Seconded* Cr. Nai that pursuant to section 119(1)(a)(i) of the Aboriginal Land Act 1991 (Qld), the Trustee grant a standard lease to Charles Sabatino over the land identified in the attached drawing, being approximately 4,543m<sup>2</sup> in size and comprising part of the Deed of Grant in Trust being lot 155 on CP TS172, County of Torres, Parish of Port Kennedy, title reference 21296131, for residential purposes, subject to: -

- d. Development Approval under the Sustainable Planning Act 2008 (Qld);
- e. Survey; and
- f. Native Title consent under the Native Title Act 1993 (Cth) (as applicable).'

**Motion Carried**

**RESOLUTION 3**

*Moved* Cr. Gaiden, *Seconded* Cr. Enosa that pursuant to section 119(1)(a)(i) of the Aboriginal Land Act 1991 (Qld), the Trustee grant a standard lease to Ilario Sabatino over the land identified as lot 38 in the attached drawing, comprising part of the Deed of Grant in Trust being lot 155 on CP TS172, County of Torres, Parish of Port Kennedy, title reference 21296131, for residential purposes, subject to: -

- g. Development Approval under the Sustainable Planning Act 2008 (Qld);
- h. Survey; and
- i. Native Title consent under the Native Title Act 1993 (Cth) (as applicable).'

**Motion Carried**



#### **RESOLUTION 4**

*Moved Cr. Nai, Seconded Cr. J. Gela* that pursuant to section 119(1)(a)(i) of the Aboriginal Land Act 1991 (Qld), the Trustee grant a standard lease to James Joseph Dorante over the land identified in the attached drawing, being approximately 8,568m<sup>2</sup> in size and comprising part of the Deed of Grant in Trust being lot 155 on CP TS172, County of Torres, Parish of Port Kennedy, title reference 21296131, for residential purposes, subject to: -

- j. Development Approval under the Sustainable Planning Act 2008 (Qld);
- k. Survey; and
- l. Native Title consent under the Native Title Act 1993 (Cth) (as applicable).'

**Motion Carried**

#### **Late Report HAMMOND ISLAND MINI MART**

#### **RESOLUTIONS**

*Moved Cr. Fell, Seconded Cr. J. Gela* that the Trustee grant a Standard Lease under the Aboriginal Land Act 1991 (Qld) to Mario Sabatino over Lease C on SP258901 and comprising part of the Deed of Grant in Trust being lot 155 on CP TS172, County of Torres, Parish of Port Kennedy, title reference 21296131, for Retail Business Purposes, subject to Development Approval under the Sustainable Planning Act 2008 (Qld), and/or Native Title consent under the Native Title Act 1993 (Cth) (as applicable).'

**Motion Carried**

**4.50pm** **END OF TRUSTEE MEETING**

**5.00pm** **MEETING CLOSED**

Meeting closed in prayer for the day by Cr. Gaiden

## **WEDNESDAY 22nd MAY 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. Phillemon Mosby, Division 11 – Poruma Island  
Cr. Fraser Nai, Division 12 – Yorke Island  
Cr. Rocky Stephen, Division 13 – Ugar 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. Jeffrey Hartley, Chief Financial Officer  
Mr. Chris McLaughlin, Chief Legal Officer  
Ms Dinah Sailor, Executive Secretary

**2.40pm:** Council Meeting commenced following Joint Sitting session with Northern Peninsula Area Regional Council (NPARC)

**Apologies:** Cr. David Bosun, Division 6 – Kubin, Moa Island

*It was noted that Cr. Jimmy Gela, Division 14 – Erub Island was absent from today's session due to illness.*

### **MOTION FROM THE FLOOR:**

### **TORRES STRAIT TREATY**

Lengthy discussions on the Torres Strait Treaty Arrangement pertaining specifically to concerns on Health issues in our Communities.

### **RESOLUTION**

*Moved* Cr. Kris, *Seconded* Cr. Nai that Council draft a letter to the Minister for Foreign Affairs and copy in the Treaty Liaison Officer to highlight concerns about:

- ▶ The recent tragedy and potential outbreak of a multi-drug resistant and super-strain Tuberculosis; and
- ▶ The lack of consultation with the directly affected communities that are respondent to the Torres Strait Treaty.

Further all further traditional visits shall be suspended forthwith in the national interest of Australian Traditional Inhabitants until such time as the situation has been contained, contract tracing undertaken, treatment administered and screening implemented to Torres Strait Regional Council's satisfaction.

**Motion Carried**

**Item 14.3**      **BADU ISLAND FOUNDATION (BIF) RATE RELIEF**

*Moved* Cr. Baira, *Seconded* Cr. Gaiden that Council grant rate relief on levied charges (excluding volumetric water) of eighty per cent (80%) to the Badu Island Foundation for the 2012/3013 Financial Year.

**Motion Carried**

**Against:** Cr. Fell

**Item 9**      **GENERAL BUSINESS**

- ▶ Health Services in the Torres Strait
  - Cr. Fell tabled the concerns of Health Services in the Torres Strait including travel, dental and ear care etc.

**Action:**

  - Mayor advised to put up a position to Minister for Health, Hon. Lawrence Springborg to look at:
    - Patients transfers – policy in place now.
    - Clinics – policy on how people are treated in communities.
    - Development and involvement in the composition of a Health Council for Torres Strait.

**Action:**

  - Council to invite Simone Kolaric, Health Service (Chief Executive,, Thursday Island to attend the next Council meeting or forum by Council in Cairns to address these issues.
- ▶ Building Team
  - Cr Kris put forward a proposal in looking at empowering our people more by using Council to create an entity such as the building authority in conjunction with Council but give to our people to be community driven.

**Action:** Mayor advised Cr. Kris to discuss further his proposal with the CEO and Mayor in Cairns.

**5.15pm**      **MEETING CLOSED**

Meeting closed in prayer by Cr. Billy.