



**Torres Strait Island**  
REGIONAL COUNCIL

**MINUTES**

**ORDINARY MEETING**

**WEDNESDAY 17<sup>th</sup> FEBRUARY 2010**

Please find attached Minutes of the above meeting held on 17th February 2010 at 9.00am – 6.40pm at *the Miseron Bullio Levi Sporting Complex, St. Pauls Community, Moa Island.*

**Torres Strait Island Regional Council (TSIRC)  
Ordinary Meeting  
Held at the *Miseron Bullio Levi Sporting Complex*, St. Pauls Community  
Wednesday 17th February 2010**

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**Present:** Cr. Fred Gela, Mayor  
Cr. Kenny Bedford, Deputy Mayor, Division 14 - Erub  
Cr. Donald Banu, Division 1 – Boigu Island  
Cr. Raymond Soki, Division 2 – Dauan  
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. Willie Lui, Division 10 - Warraber  
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  
Mr. John Scarce, Chief Executive Officer  
Mr. Anthony Bird, Executive Manager Corporate & Finance  
Mr. Lloyd Sunderland, Executive Manager Community Services  
Mr. Patrick McGuire, Executive Manager Engineering Services  
Ms Dania Ahwang, Manager Internal Audit  
Mr. Chris McLaughlin, Chief Legal Officer  
Ms Nicole Howcroft, Manager Environment and Health  
Ms Elissa Shuey, Public Relations/Media Officer  
Mrs Tania Sailor, Executive Secretary.

**Observers:** Members of the Community

**Apologies:** Cr. Ron Enosa, Division 3 – Saibal Island  
Cr. Wayne Gulvarra, Division 5 – Badu Island  
Cr. Walter Mackie, Division 9 - Iama  
Mr. Noel Peters, Manager Human Resources

**Deputations:** See Attachments A.

**9.00am:** Meeting opened in prayer by Community Member - Pastor John Newie

**ONE MINUTE SILENCE**

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

## **WELCOME**

### **Welcome & Acknowledgement of Traditional Land Owners**

- Cr. Toshie Kris
- Mayor Fred Gela
- Mr. Sam Kris (Elder Representative)
- Mr. Hans Ahwang (Youth Representative)

## **OPENING REMARKS**

Cr. Kris acknowledged the Traditional Owners of this land and welcomed the Mayor, Councillors and Executive Staff to St. Pauls.

Mayor acknowledged the Traditional Owners of this land on which this meeting is held, and welcomed Elders and Community members, Divisional Manager and staff of TSIRC St. Pauls to the meeting.

Mayor also expressed his gratitude to Cr. Kris and the Community of St. Pauls, the Divisional Manager and TSIRC Staff of St. Pauls, for their hospitality in hosting the Council meeting at and making all members and staff feel at home.

Mayor commended Cr. Kris and the Community of St. Pauls for taking advantage of the Deputation process. Deputations are written and submitted to Council prior to the Council meetings being held so that Mayor and CEO are given that opportunity to be able to provide the appropriate response and bring it to the Council meeting and relay it to those people requesting Deputations.

Once again Mayor thanked the community of St. Pauls and the wonderful hospitality they have shown.

## **DEPUTATION**

See Attachment A –G.

***It was resolved that the Council break for Morning Tea at 10.50am.***

## **BUSINESS ARISING FROM PREVIOUS MINUTES - COUNCIL MEETING**

- *Mer Island Divestment* – Cr. Day noted that he was not happy at the time of the resolution at Badu Meeting, but since his discussions with the CEO and Chief Legal Officer, he is happy to proceed with it.
- *National Partnership Agreement* – it was noted that there has been nil response on this issue as well as nil financial support in engaging with PBCs.
- *Coastal Projects* – Executive Manager Engineering to follow up on this issue.

- *Staff Uniforms*
  - PR & Media Officer advised was awaiting quotes.
  - Quotes have now been received but was too high, so requested another quote on just on type of uniform.
  - Looking at a timeframe of 12 weeks for the issuing of uniforms once we put in the order but this will be subject to when all data is received from each employees on their sizes etc.
- *Horn Island Airport*
  - State Government now funding the upgrade of Horn Island Airport.
- *Federal Funding RLCIP*
  - As the Horn island Airport is fully funded, we attributed our bid to the St. Pauls Community Hall.

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

*Moved Cr. Fell, Seconded Cr. Soki* that the minutes of the Ordinary Meeting held 18th November 2009 be adopted as true and accurate.

**Motion Carried**

#### **BUSINESS ARISING FROM PREVIOUS MINUTES - CORPORATE & FINANCE STANDING COMMITTEE MEETING**

- *HR Issues* – members just referring to issues discussed at Kubin Meeting in October 2009 on time frame of Recruitment and positions not yet advertised that needs to be advertised.
- *Recovery Costs of Damage by Seaswift*
  - Seaswift hold a Carrier Indemnity, therefore nothing we can do other then pack everything ourselves as best as we can.
  - It was noted that if IBIS receives damaged goods from Seaswift, IBIS pursues Seaswift on cost of the damaged goods. However, whilst awaiting reimbursement from Seaswift on the damaged costs, IBIS would cover the cost of the damage in the first instance.

#### **CONFIRMATION OF MINUTES OF CORPORATE & FINANCE STANDING COMMITTEE MEETING**

*Moved Cr. Bedford, Seconded Cr. Bero* that the minutes of the Corporate & Finance Standing Committee held 5th November 2009 be adopted as true and accurate.

**Motion Carried**

**Against:** Cr. Pearson

**Reason Against:** *Cr. Pearson advised that the minutes of the Corporate & Finance Standing Committee should be endorsed by members of the Corporate & Finance Standing Committee only.*

**EXECUTIVE MANAGERS REPORTS**

**ENVIRONMENTALLY RELEVANT ACTIVITY (ERA) PRESCRIBED FEES.**

**RESOLUTION**

*Moved Cr. P. Mosby, Seconded Cr. Bedford* that the following prescribed fees as set out in Schedule 10, Part One of the Environmental Protection Regulation 2008 are adopted by Council and entered into Council's "Register of Fees and Charges" Under Schedule 10, Part One of the Environmental Protection Regulation 2008, the following prescribed fees have been set and are required to be adopted by Council:

**Motion Carried**

**Against:** Cr. Pearson

- *Cr. Bedford advised that there is the opportunity for Councillors to waive the fees or make an assessment on a case by case basis.*
- *Cr. Pearson advised need to get that awareness out to communities on this issue so that they are aware of these fees and understands them.*
- *CEO advised once this resolution is endorsed these will be fees on the activities.*

**FEES FOR ENVIRONMENTAL RELEVANT ACTIVITY (ERA)**

**RESOLUTION**

*Moved Cr. Bedford, Seconded Cr. Lui* that the following fees are adopted by Council and included in Council's 2009/2010 Fees and Charges Register:

Activity Name	Threshold	Aggregate Environmental Score	Fee
Poultry Farming	1. Farming more than 1000 to 200 000 birds	No score	\$500.00
	2. Farming more than 200 000 birds	9	\$1800.00
Asphalt Manufacturing	1. Less than 1000t of asphalt per year	No Score	\$500.00
	2. 1000t or more per year	32	\$6400.00
Chemical Storage	Storing the following total quantity of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3-3 (a). 10m3 to 500m3	No score	\$500.00

Plastic Product Manufacturing	1. Total of 50t or more per year of plastic product, other than a plastic product mentioned in item 2.	28	\$5600.00
	2. A total of 5t or more per year of foam, composite plastics or rigid fibre-reinforced plastics.	54	\$10800.00
Abrasive Blasting	3. Spraying a coating on equipment or structure that has been subject to abrasive blasting or carrying out the activity at any site.	16	\$3200.00
Boilermaking or Engineering	1. 200t to 10 000t per year	No Score	\$500.00
	2. more than 10 000t per year	46	\$9200.00
Metal Forming		No Score	\$500.00
Metal Recovery	1. Recovering less than 100t of metal per day.	No Score	\$500.00
	2. Recovering 100t or more of metal per day or 10 000t or more of metal in a year – a) without a fragmentiser	19	\$3800.00
	3. Recovering 100t or more of	51	\$10200.00
	metal per day or 10 000t or more of metal in a year – b) with a fragmentiser.		

**Motion Carried**

**Against:** Cr. Pearson  
Cr. Soki

- *Council has the ability to alter or remove these fees by Council Resolution.*

## **REMOTE STORES**

### ***LAY ON TABLE***

It was noted that:

- Regional Council needs to sign off on leases and if communities do not agree to the leases TSIRC to try and negotiate in getting the leases signed.
- IBIS
  - need to start developing exist stores
  - advised If communities want these stores, community have to pay for the assets.
- Need to look at getting the larger communities on board at once to obtain the buying power.
- TSIRC will assist Communities in transferring IBIS back to the Community but will sit back and allow Community to run it and it will not become part of the TSIRC assets.
- Referring to Cr. Kris's query, come July 2010 all IBIS Staff should be taken off CDEP by then, and into full time staff in line with CDEP Reform.
- As per Cr. Day's query one of the recommendations (No.23) in the report by the House of representatives Aboriginal and Torres Strait Islander Affairs Committee was that *following implementation of supply chain coordination and efficiencies, the Australian Government give consideration to a freight subsidy for fresh produce for the Torres Strait.*
- ***Mayor requests that all Councillors liaise with their Community for their aspirations in taking over IBIS Stores.***

## **FUEL BOWSERS**

### **Resolution**

*Moved Cr. Fell ,Seconded Cr. Soki that Council gives Mer and Ugar until the April 2010 Ordinary Meeting to sort out location of Fuel Bowsers, otherwise Council will relocate to the Communities of Masig, Warraber, Iama, Kubin or St. Pauls who are ready so we do not lose the Grant from TSRA.*

**Motion Carried**

**Against:** Cr. Day

### ***Chief Legal Officer advised:***

- *Awaiting ILUA to be signed for Ugar for the land for the Fuel Bowser.*
- *No dialogue from NTO on Mer regarding Land for the Mer's fuel bowser.*

### ***CEO advised:***

- *Councillors to have dialogue with NTO*
- *Chief Legal Officer to liaise with Councillors.*
- *Probably don't need an ILUA signed but if Council obtains the consent by April meeting that should be good.*

### ***Mayor advised:***

- *go through ILUA process; and*
- *also need to have a fall back plan in keeping that funding there, being transfer to another Community*

## **FISHING REPORT**

### **Resolution**

*Moved Cr. Pearson, Seconded Cr. Soki that the Council adopts the fishing report and work through the recommendations presented for the benefit of the fishing industry in the Torres Strait.*

### **Motion Carried**

**Against:** Cr. P. Mosby

- *It was noted that once the AEC Report is endorsed it becomes a Public document.*

## **CONDUCT REVIEW PANEL**

### **Resolution**

*Moved Cr. P. Mosby, Seconded Cr. Lui:*

1. 'That pursuant to section 250Z of the Local Government Act 1993 (Qld), Council resolve to appoint until otherwise revised, but no longer than four (4) years, the following individuals to the Pool of members for the Conduct Review Panel, namely: -
  - Bruce Edmonds;
  - Maryann Andersen;
  - Ray Bange;
  - Robyn Bredhauer;
  - Edward Tucker;
  - Trevor McDonald.'
2. 'That the CEO be authorised to select and appoint to each case, members from the Pool of members, with selection considerations to include qualification, experience, availability and cost.'
3. 'That pursuant to section 250ZF and 250ZG of the Local Government Act 1993 (Qld), Council authorise payment by the CEO of meeting fees to each member when appointed to the Conduct Review Panel, plus reimbursement of travel, accommodation, food allowance and other incidentals.'

### **Motion Carried**

**Against:** Cr. Day



## **GENERAL COMPLAINTS PROCESS POLICY**

### **Resolution**

*Moved Cr. Bosun, Seconded Cr. Bedford that Council adopt the proposed General Complaints Process Policy.*

**Motion Carried**

**Against:** Cr. Day

- *Policy valid till 30<sup>th</sup> June 2010 – until the new Local Government Act comes in place, then another General Policy on Complaint process will be developed.*
- *Chief Legal Officer advised that awareness of all policies should be right across the board and this is something that we need to do.*
- *CEO advised:*
  - *that a handful of complaints not completed as yet still awaiting further information to come through to him.*
  - *once all policies are endorsed and in place all employees will go through induction process and will be made aware of all the policies in place.*

It was noted that Eligibility Criteria of Election not included in the New Local Government Act. It is covered under the QLD Electoral Act.

***It was resolved that Council break for Lunch for an hour at 1.45pm.***

## **LATE REPORTS**

### **MONTHLY INFRASTRUCTURE REPORT (JANUARY)**

#### **Resolution**

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

**Motion Carried**

- *Cr. Soki reiterated his concerns two standing committees ago where water samples were not taken in for testing for the Community of Dauan because there were issues delivering them to have them tested. Cr. Soki expressed his concern because of the health risks it may pose in his Community.*
- *Executive Manager Engineering advised Cr. Pearson that the Water Officer on Hammond is a HR Issue but they are looking at a structure where people can step into this role eg. Assistant Water Officer.*

## **FINANCIAL**

### **Resolution**

*Moved Cr. Soki, Seconded Cr. Bero* that Council:

1. note the Budget position; and
2. adopt the Budget review as presented for the 2009/2010 budget.

**Motion Carried**

## **CLOSED BUSINESS**

*Moved Cr. Bedford, Seconded Cr. Pearson* that in accordance with Section 463 of the *Local Government Act 1993* it is resolved for the meeting to go into closed session to discuss section 463 (1) (a) the appointment, dismissal or discipline of employees, 463 (1) (f) starting or defending legal proceedings involving it, 463 (1) (h) 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.**

## **CDEP TENDER**

### **Resolution**

*Moved Cr. Soki, Seconded Cr. Pearson* that Council submits a tender in partnership with any and all organisations, including additional funds required to properly deliver the programme in the Torres Strait, authorising the CEO to engage resources to complete and submit tender on Councils behalf.

**Motion Carried**

## **MER DIVESTMENT OF ENTERPRISE**

### **Resolution**

*Moved Cr. Kris, Seconded Cr. Soki* that in accordance with Chapter 6 Part 3 Subdivision 3 Section 491 and 492 of Local Government Act 1993 Council divest to the **OPNOR BAKIR ATABUR (TORRES STRAIT ISLANDER) CORPORATION** assets release staff and develop leases over buildings of the Mer Fish Freezer and Mer Guest House.

**Motion Carried**

**ERUB DIVESTMENT OF ENTERPRISE**

**Resolution**

*Moved Cr. Bedford, Seconded Cr. P. Mosby* that in accordance with Chapter 6 Part 3 Subdivision 3 Section 491 and 492 of Local Government Act 1993 Council divest to the **GED ERUB TRADING HOMELAND ENTERPRISE (TORRES STRAIT ISLANDER) CORPORATION** assets release staff and recommend to the land panel leases over buildings Fish Freezer.

**Motion Carried**

**Against:** Cr. Bosun

**REMOTE INDIGENOUS BROADCASTING SERVICES (RIBS) OPTION PAPER**

**Resolution**

*Moved Cr. Fell, Seconded Cr. Bero* that Council approach TSRA for the total cost \$673,068 of running the RIBS facilities.

**Motion Carried**

**BUILDING LGOC**

**Resolution**

*Moved Cr. Kris, Seconded Cr. Soki* that Council undertakes the investigation into establishing an LGOC for the building team, authorising the CEO to engage suitable qualified persons or organisations to carryout business plans and public benefit assessment necessary.

**Motion Carried**

**OFFICE ACCOMMODATION**

**Resolution**

*Moved Cr. Fell, Seconded Cr. Soki* that Council delegates to the Mayor and CEO the approval to enter into a lease agreement in Cairns for operational purposes.

**Motion Carried**

**Against:** Cr. Kris  
Cr. Bero  
Cr. Bosun  
Cr. P. Mosby

**MIP 4B PROJECTS - Asset Replacement Package B,  
Asset Replacement Package C, Tidal Gauges Project**

**Resolution**

*Moved Cr. Pearson, Seconded Cr. Soki* that Council accept the recommendations of the MIP Programme Manager that:

1. AECOM Australia Pty Ltd's tender of \$333,360 (GST exclusive) for Phase A Fees including an estimated disbursement amount of \$91,515 (GST exclusive) for project management of the Asset Replacement Project Package B be accepted; and
2. Aurecon's non-conforming tender of \$208,240 (GST exclusive) for Phase A Fees including an estimated disbursement amount of \$39,578 (GST exclusive) for project management of the Asset Replacement Project Package C be accepted; and
3. Aurecon's revised non-conforming tender of \$194,600 (GST exclusive) for Phase A & B Fees plus an estimated \$33,000 (GST exclusive) for disbursements for project management of the Tidal Gauges Project be accepted.

**Motion Carried**

**Against:** Cr. Bosun

**GENERAL BUSINESS**

- Star of the Sea Home for the Aged AGM
  - Cr. Soki nominated as TSIRC Rep to sit on the Board of the Star of the Sea (SOS).
  - Annual General Meeting (AGM) - 25<sup>th</sup> February 2010.
  - Council to cover travel, accommodation for Cr. Soki to attend the AGM.
  - Cr. Soki sought members support on his proposal to SOS to see if they could open up the staff rental accommodation available in the SOS grounds for family members visiting their loved ones at the Home for the Aged.
- Professional Development – Cr. Phillemon Mosby
  - Cr. P. Mosby sought TSIRC approval and members support to undertake Bachelor of Arts at University of Sydney under his Professional Development Allowance.
- Mabuag Island – Cr. Fell raised issues concerning the lack of visits by the Mr. Kon Erofeev (Builder) and Mr. Allan Vickery, Manager Air & Sea Port to his Community, advising that they only visited Mabuag once and has not been back since.
- Hammond Island – concerns regarding animal management (Environmental Health) and the need for support from Executive & Manager on this issue.
- Sports & Recreation Funding Submissions – Submission letter signed by members at this meeting.
- CEO advised that any issues or concerns that Councillors wish to address to contact him and he will investigate and deal with these issues.

**STAR OF THE SEA HOME FOR THE AGED**

**Resolution 1**

*Moved Cr. Bedford, Seconded Cr. Bero that Council nominates Cr. Soki as its representative on the Board of the Star of the Sea Home for the Aged.*

**Motion Carried**

**Resolution 2**

*Moved Cr. Soki, Seconded Cr. Pearson that Council supports the proposal by Cr. Soki to SOS in opening up staff rental accommodation for people who travels from the TSIRC communities to visit their loved ones at the Home for the Aged.*

**Motion Carried**

**PROFESSIONAL DEVELOPMENT - COUNCILLORS**

**Resolution**

*Moved Cr. Pearson, Seconded Cr. Fell that Council supports and approves Cr. P. Mosby's request to undertake Bachelor of Arts at the University of Sydney under Professional Development.*

**Motion Carried**

**6.15pm      COUNCIL MEETING CLOSED**

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

**PROPOSED TRUSTEE DECISION – TRUSTEE LEASES - KUBIN**

**Resolution**

1. *Moved Cr. Kris, Seconded Cr. Bero* that the Trustee grant a Trustee Lease to the State of Queensland represented by the Department of Communities over land described as Lease D comprising part of the Deed of Grant in Trust being lot 5 on CP TS158 on Drawing No. PR100430-11, County of Torres, Parish of Duncan, title reference 21296132, for the operation and maintenance (including replacement, renewal and construction of improvements from time to time within the leased area) as a Disability Services Queensland office.
2. *Moved Cr. Kris, Seconded Cr. Soki* that the Trustee grant a Trustee Lease to Telstra Corporation Limited ACN 051 755 556 over land described as Lease T comprising part of the Deed of Grant in Trust being lot 5 on CP TS158 on SP 145570, County of Torres, Parish of Duncan, title reference 21296132, for the construction, operation and maintenance (including replacement, renewal and construction of improvements from time to time) of a Telecommunications Facility.
3. *Moved Cr. Pearson, Seconded Cr. Day* that the Trustee grant a further Trustee Lease to Telstra Corporation Limited ACN 051 755 556 over land described as Lease T comprising part of the Deed of Grant in Trust being lot 5 on CP TS158 on SP 145581, County of Torres, Parish of Duncan, title reference 21296132, for the construction, operation and maintenance (including replacement, renewal and construction of improvements from time to time) of a Telecommunications Facility.

**Motion Carried.**

**PROPOSED TRUSTEE DECISION – TRUSTEE LEASES – ST. PAULS**

1. *Moved Cr. Kris, Seconded Cr. Pearson* that the Trustee grant a Trustee Lease to Telstra Corporation Limited ACN 051 755 556 over land described as Lease T comprising part of the Deed of Grant in Trust being lot 6 on CP TS158 on SP 145580, County of Torres, Parish of Duncan, title reference 21296136, for the construction, operation and maintenance (including replacement, renewal and construction of improvements from time to time) of a Telecommunications Facility.

**Motion Carried.**

**MEETING CLOSED**

With no further discussions, Mayor thanked members and Executive Management and staff for their attendance at the meeting, with special thanks to Cr. Kris and the Community of St. Pauls for their hospitality in hosting the Council Meeting at St. Pauls.

**6.40pm** Meeting closed in prayer Cr. P. Mosby.



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Cr Fred Gela  
Mayor



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Mr John Scarce  
Chief Executive Officer