



Torres Strait Island
REGIONAL COUNCIL

MINUTES

ORDINARY MEETING

WEDNESDAY 21st OCTOBER 2009

Please find attached Minutes of the above meeting held on 21st October 2009 at 9.25am – 6.40pm at *the Kubin Community Hall, Kubin, Moa Island.*

**Torres Strait Island Regional Council (TSIRC)
Ordinary Meeting
Held at the *Kubin Community Hall*, Kubin, Moa Island
Wednesday 21st October 2009**

Present: Cr. Fred Gela, Mayor
Cr. Kenny Bedford, Deputy Mayor, Division 14 - Erub
Cr. Raymond Soki, Division 2 - Dauan
Cr. Ron Enosa, Division 3 - Saibai Island
Cr. Keith Fell, Division 4 - Mabuiag Island
Cr. Wayne Guivarra, Division 5 - Badu Island
Cr. David Bosun, Division 6 - Kubin
Cr. Toshie Kris, Division 7 - St. Pauls *
Cr. Walter Mackie, Division 9 - Iama
Cr. Wille Lui, Division 10 - Warraber
Cr. Florianna Bero, Division 13 - Ugar
Mr. John Scarce, Chief Executive Officer
Mr. Anthony Bird, Executive Manager Finance
Mr. Lloyd Sunderland, Executive Manager Community Services
Mr. Noel Peters, Manager Human Resources
Mr. Chris McLaughlin, Chief Legal Officer
Ms Elissa Shuey, Public Relations Officer
Mrs Tania Sailor, Executive Secretary.

Observers: Members of the Community

Apologies: Cr. Donald Banu, Division 1 - Boigu Island
Cr. Nancy Pearson, Division 8- Hammond
Cr. Phillemon Mosby, Division 11 - Poruma Island
Cr. John Mosby, Division 12 - Yorke
Cr. Ron Day - Division 15 - Mer Island
Mr. Patrick McGuire, Executive Manager Engineering Services
Ms Dania Ahwang, Manager Internal Audit

Deputations: Nil

9.25am: Meeting opened in prayer by Cr. Mackie

ONE MINUTE SILENCE

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

*part-attendance

WELCOME

Welcome & Acknowledgement of Traditional Land Owners

- Mayor Fred Gela
- Fr. John Manas/Mr. Cyril Manas
- Cr. David Bosun

OPENING REMARKS

Mayor thanked Elders and members of the Community and members of the Council for their attendance at Council Meeting hosted by Kubin.

Mayor expressed his gratitude to Cr. Bosun, Divisional Manager Ms Louise Manas and the Community for their hospitality and hard work in preparation for the meeting and our stay here at Kubin.

Cr. Bosun expressed his thanks to all members present and is grateful to have them in his Community at this time. Cr. Bosun advised that there is a time to change things, and things change for a good purpose. Cr. Bosun thanked everyone for attending and hopes that they enjoy their stay in Kubin over the next couple of days.

BUSINESS ARISING FROM PREVIOUS MINUTES

- RLCIP – It was noted that this issued will be discussed further during RLCIP (\$30,000) Report to be presented later today.
- Lost Property Policy – Chief Legal Officer, Mr. McLaughlin advised all have been implemented and is valid now.

CONFIRMATION OF MINUTES

Moved Cr. Lui, Seconded Cr. Fell that the minutes of the Ordinary Meeting held 24th August 2009 be adopted as true and accurate.

Motion Carried

EXPENSE REIMBURSEMENT POLICIES

Moved Cr. Bedford, Seconded Cr. Bosun that the Council adopt the Expense Reimbursement Policy authorised by the Director-General of the Department of Infrastructure & Planning.

Motion Carried

- *Debit Visa Cards for Councillors - It was noted that Debit Visa Cards are now available through the National Australia Bank and Councillors' can obtain one by connecting it to their account.*
- *Travel Allowance will now be paid in advance to Councillors attending various meetings, however, if Councillors are paid and then notify they are unable to attend the meetings, that amount of T/A paid will be taken out of their next T/A. This also includes staff as well.*

REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM

Resolution 1

Moved Cr. Bosun, Seconded Cr. Bedford that Council applies the \$30,000 towards the purchase of equipment for the Iama Community Gardens.

Motion Carried

Resolution 2

Moved Cr. Bedford, Seconded Cr. Mackie that Council look at Budget form in-house and do a formal submission to TSRA on the other works listed as eligible and ineligible. Further that a copy of the submission be forwarded to Councillors as TSIRC and TSRA members.

Motion Carried

It was noted that:

- Hammond - recipient of the \$25,000
- Dauan's eligibility for \$30,000 for replacement motor for the ferry was outside the scope. CEO advised tried every possible way to see if Dauan could obtain that funding but to no avail.

Mayor advise:

1. Criteria for small grants be available to the community to evaluate their needs in submitting their submissions.
2. Summary to be provided with distribution of grants.
3. Councillors in future to state their case/submissions at Council meetings as to why funds should go to their Community.

IBIS FUEL

Moved Cr. Bedford, Seconded Cr. Fell that Council commence negotiations with IBIS to take over the fuel operations on Kubin, St.Pauls, Yam, Yorke and Warraber, after the facilities are brought up to the Australian standard, that they remain the assets of IBIS with them responsible for maintenance, and that a lease be entered into, to the satisfaction of Council.

Motion Carried

Against: Cr. Guivarra

- *It was noted that:*
 - *IBIS is having issues in maintaining operations of fuel bowsers on the ground in communities.*
 - *Councillors have flagged issues in their communities regarding IBIS and have been and continue to be instigators in trying to have Communities take over IBIS.*
 - *All leases/ILUAs on IBIS are up for negotiations as well and will go through Native Title Office.*

- *Cr. Bedford requests that Councillors be kept informed of the negotiations with IBIS.*
- *Cr. Bosun requested that Security also be looked into for the Fuel Bowsers.*
- *Mayor Gela advised that if this is something to look at divesting in the future as per advice give by the Chief Legal Officer – need to look at developing a buying power to control cost of buying fuel.*

EXECUTIVE MANAGERS REPORTS

ENGINEERING

1. LOCALITY NAMES

Resolution

Moved Cr. Mackie, Seconded Cr. Lui that Council notes the report outlined and adopts the proposed naming convention with any changes to be advised by Friday morning 24th October 2009.

Motion Carried

- *Some name changes with correct spelling:*
 - *Moa (Mua), Kubin (Arkai), St. Pauls (Wug), The Three*
 - *The Threes Sisters Burra (Bet) Island, Guiya (Poll) Islet*

It was resolved that the Council break for Morning Tea at 10.45am.

2. DRUG AND ALCOHOL MANAGEMENT PLAN (DAMP)

Resolution

Moved Cr. Bedford, Seconded Cr. Soki that Council adopts the attached proposal to consult with and develop a Drug and Alcohol Management Plan for aviation employees.

Motion Carried

- *It was noted:*
 - *To look at ARO's in the first instance*
 - *Need to have DAMP in place for the entire workforce and Councillors.*
 - *Random tests will be taken twice a year for every aviation employees.*



COMMUNITY SERVICES

1. EXPRESSIONS OF INTEREST FOR MOSQUITO PREVENTION

Resolution

Moved Cr. Bedford, Seconded Cr. Mackie that the Council ratifies the Standing Committee's approval to call Expressions of Interest from suitably qualified organisations to undertake contractual works in each community for the prevention of mosquito borne diseases, in particular those in relation to Dengue Fever.

Motion Carried

- *It was noted that the prevention of Mosquito borne diseases is Council's responsibility.*
- *Council need to make it a priority to go through prevention mechanism ASAP as we are approaching the wet season soon.*

2. TORRES STRAIT INDIGENOUS RANGER PROGRAMS

Resolution

Moved Cr. Bedford, Seconded Cr. Mackie that the Torres Strait Island Regional Council (TSIRC) ratifies the Standing Committee endorsement, bringing forward the establishment of the Mer Ranger group, while the planning and negotiations continue in the Kaiwalagal area.

Motion Carried

- *It was noted that:*
 - *1 Senior ranged based on 1 Island and two based in communities.*
 - *The program is very well funded and there is a comprehensive training.*
 - *The program must have PBC's involvement because without them this program cannot roll out.*

3. SPORTS & RECREATION GOVERNANCE COMMITTEE

Resolution

Moved Cr. Bedford, Seconded Cr. Fell that Torres Strait Island Regional Council nominates Cr. Guivarra to the Torres Strait Sports & Recreation Governance Committee.

Motion Carried

- *It was noted:*
 - *That Tagai State College has no resources.*
 - *A Sports & Rec Meeting will be held on Friday 24th October on Thursday Island.*

ADVERTISING POLICY

Resolution

Moved Cr. Bedford, Seconded Cr. Bero that Council adopt the Advertising Policy for the 2009/2010 Budget Year in accordance with Part 2, Division 1 of the Local Government Finance Standard 2005, as presented

Motion Carried

It was resolved that Council break for Lunch for an hour at 1.00pm.

It was noted that Cr. Kris joined the meeting at 2.00pm

GRANTS POLICY

Resolution

Moved Cr. Kris, Seconded Cr. Bero that Council adopt the Grants Policy for the 2009/2010 Budget Year in accordance with Part 2, Division 1 of the Local Government Finance Standard 2005, as presented.

Motion Carried

STANDING COMMITTEES

Resolution

Moved Cr. Fell, Seconded Cr. Bero that pursuant to section 455 of the Local Government Act 1993 (Qld), Council resolves that the quorum for each Local Government Standing Committee shall be two (2) members plus the Mayor or Deputy Mayor (2+1).

Council resolves that where the Mayor or Deputy Mayor is unavailable to attend a Standing Committee meeting, quorum shall be reached if five (5) members of the Standing Committee are in attendance.

That pursuant to section 454 of the Local Government Act 1993 (Qld), each Standing Committee may appoint one (1) delegate member of the Standing Committee who, in the absence of a member of the Standing Committee, may attend meetings of the Standing Committee and act as member.

Motion Carried

Against: Cr. Guivarra

- *It was noted that:*
 - *Council member representing as proxy to another committee member as requested by them can also have the member of the Public present.*
 - *Mayor is a member of each Standing Committee.*
 - *Monthly meetings will continue until the new Local Government Act comes into place.*

DELEGATIONS REGISTER

Resolution

Moved Cr. Fell, Seconded Cr. Bedford that pursuant to section 472 of the Local Government Act 1993 (Qld), Council resolves to delegate those powers mentioned in the 'Instrument of Delegations of Local Government' annexed to the Minutes of Ordinary Meeting held 21 October 2009, to the delegates specified therein.

That where permissible under a Local Government Act, Council resolves that a power delegated to the Chief Executive Officer in the Instrument of Delegations of Local Government, may be sub-delegated by the Chief Executive Officer and recorded in the Instrument of Delegations of CEO.

Motion Carried

LATE REPORTS

HOLIDAY SHUTDOWN

Resolution

Moved Cr. Bedford, Seconded Cr. Soki that Council ratifies that all Divisional Offices including Thursday Island will close for the Christmas –New Year period from Monday 21 December 2009 and reopen on Monday 4 January 2010.

Friday 25 December 2009, Monday 28 December 2009 and Friday 1 January 2010 will be observed as Public Holidays.

Employees will be required to use accrued Annual leave and / or TOIL for the remaining 7 days.

CDEP Participants All Islands

Last day

First day back

Friday 18 December 2009

Monday 18 January 2010

Where the Division has the requirement to have commenced CDEP prior to October to be entitled to Annual Leave this will still apply.

Motion Carried

MODEL LOCAL LAWS

Verbally report by Chief Legal Officer Chris McLaughlin:

- Local Laws received and will be reviewing them.
 - A summary of the 8 local laws will be provided to Council at the next Council Meeting.
-
- CEO advised that subordinate Local Laws were also sent to communities. Subordinate Local Laws can be tailor-made for each Division.
 - Cr. Mackie requests that these laws be in place ASAP so that it is enforced by Community Police.
 - There was a brief discussion between members on Infringement Notices.
 - Mayor Gela requested that Chief Legal Officer Mr. McLaughlin:
 - Look into Infringement Notices while Model local laws is being reviewed.
 - Look into possibility of getting TSIRC register in SPURS.

Motion Carried

LAND PANEL CONVENOR

Resolution

Moved Cr. Bedford, Seconded Cr. Fell that Council resolves from this day forward, for the Land Panel/ Community Convenor to obtain written undertakings from the proponent of Trustee Decisions/ Trust Change Proposals under the Local Government Act 1993 (Qld) or Local Government Act 2009 (Qld), prior to the Land Panel/ Community Forum Convenor's attendance at the relevant Land Panel/ Community Forum meeting(s), to later reimburse Council, on an indemnity basis, for costs incurred by Council of and incidental to the Land Panel/ Community Forum Convenor's attendance at the relevant Land Panel/ Community Forum meeting(s), including but not limited to its reasonable travel, accommodation and meal allowance expenses.

Motion Carried

It was resolved that Council break for Afternoon Tea at 3.25pm.

ANNUAL REPORT

Verbally Report by Media/Public Relations Officer, Elissa Shuey:

- Need feedback from Councillors
- Audit Committee Meeting to be held at Badu prior to adoption of Annual Report at Council Meeting on Badu.

Mayor requested that Ms Shuey also include the Milestones achieved by TSIRC in the Annual Report.

GENERAL BUSINESS

- **Rental Debtors** – Brief Update to members by Executive Manager Finance.
- **Uniforms** – Fabric quality and two (2) designs and colours was chosen by members for staff uniforms.
- **Standing Committees and Ordinary Meetings**
 - It is envisaged that at the start of the new year, meetings for Standing Committees and Ordinary Meetings will be on the 3rd week of alternative months eg. Standing Committee 20th January 2010, Ordinary Meeting 24th February 2010 etc.
 - CEO to email to all Councillors the dates of the Meetings and also to TSRA (Yoshie) for their information so that their meetings do not clash with TSIRC.
- **HR Issues**
 - *Placement checklist will be provided to Councillors every month with updates of positions vacant and filled.*
 - *Emails sent to Divisional Managers on the Recruitment process of positions in their communities are also to be sent to Councillors as well.*

QUESTIONS ARISING FROM INFORMATION REPORTS

- **Capital Expenditure Report**
 - First time this report has been compiled and presented to members, this report is expected to go out to Councillors every month.
 - Executive Manager Finance trying to make the documents easy to read so members can understand it properly, this includes every other finance report. If members find it hard to comprehend or have questions they wish to raise, he requests that they please contact him.
 - If Councillors want to put Capital Expenditure report through the Community Forum that can be arranged by contacting him of when the meeting is to be held and link him up through Teleconferencing that way he will be able to explain to Community Forums.
- **Child Care Centre Licences** – Executive Manager Communities gave a briefing on licences for Child Care Centres as per query raised by Cr. Bosun.
- **Pest Management Plan**
 - Further consultations were held on Pest Management Plan
 - A Workshop was held in Cairns August 2009.
 - The Department still doing work on it but it is on track for completion by December 2009.
- **Code of Conduct** – Chief Legal Officer requested Councillors to note the Code of Conduct Report presented as it concerns obligations imposed on them, Council employees and Community Forum/Land Panel members.



CLOSED BUSINESS

Moved Cr. Bedford, Seconded Cr. Fell 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.

It was noted at this time Executive Members in attendance was also asked to leave with the exception of CEO, CLO and Executive Secretary.

END OF CLOSED BUSINESS

ISSUES RATIFIED IN CLOSED BUSINESS

1. LITIGATION

Resolution

Moved Cr. Soki, Seconded Cr. Bedford that this Litigation Report be adopted. Further that council resolves to approve the settlement sum of \$150,000 (GST exclusive) payable to TRAWQ (in liq) in full and final settlement of the Supreme Court of Queensland proceeding number 121/08.

Motion Carried.

2. COUNCILS CODE OF CONDUCT

Resolution

Moved Cr Kris Seconded Cr Bosun that Council issues letters of reprimand to Cr Bedford and Cr Lui for breaches to the Councils Code of Conduct.

Motion Carried.

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

6.40pm Meeting closed in prayer by Cr. Enosa.


.....
Cr Fred Gela
Mayor


.....
Mr John Scarce
Chief Executive Officer

