

**Torres Strait Island Regional Council (TSIRC)
Ordinary Meeting
Held at the Joey Nona Conference Room, TSRA Office, Thursday Island
Friday 27th January 2012**

FRIDAY 27TH JANUARY 2012

Present: Cr. Fred Gela, Mayor
Cr. Kenny Bedford, Deputy Mayor, Division 14 - Erub
Cr. Donald Banu, Division 1 – Boigu Island
Cr. Torenzo Elisala, Division 2 – Dauan
Cr. Keith Fell, Division 4 – Mabuiag Island
Cr. Wayne Guivarra, Division 5 – Badu Island
Cr. David Bosun, Division 6 – Kubin, Moa Island
Cr. Toshie Kris, Division 7 – St. Pauls
Cr. Nancy Pearson, Division 8- Hammond
Cr. Walter Mackie, Division 9 - Iama
Cr. Willie Lui, Division 10 - Warraber
Cr. Phillemon Mosby, Division 11 – Poruma Island
Cr. Fraser Nai, Division 12 – Yorke
Cr. Florianna Bero, Division 13 – Ugar
Cr. Ron Day – Division 15 – Mer Island
Mr. John Scarce, Chief Executive Officer
Ms Dania Ahwang, Deputy CEO
Mr. Patrick McGuire, Executive Manager Engineering Services
Mr. Chris McLaughlin, Chief Legal Officer
Mrs Dinah Sailor, Executive Secretary.

Observers: Nil

Apologies: Cr. Ron Enosa, Division 3 – Saibai Island
Mr. David Abednego, Executive Officer
Mr. Anthony Bird, Executive Manager Corporate & Finance

1.30pm: 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.

ACCEPTANCE OF APOLOGY – COUNCILLORS ABSENCE

Cr. Enosa

Cr. Ron Enosa, Division 3 – Saibai Island (*due to work commitments*)

RESOLUTION

Moved Cr. Fell, *Seconded* Cr. Nai that Council accepts the apology from Cr. Enosa for his absence at this meeting.

Motion Carried

MAYOR'S OPENING REMARKS

- ✚ Welcomed Councillors and wished them all a Happy New Year.
- ✚ Condolences to Cr. Mackie and the Community of Iama for the tragic loss of their loved one recently.
- ✚ Went through the agenda items and changes for the proceedings of the meeting for today.

Cr. Guivarra requested that the format of the Agenda be changed to allow "General Business items" to be discussed before the "Closed Business items" to allow members of the public to listen into the General business first, before going into Closed Business where members of the public are asked to leave.

CONFIRMATION OF MINUTES – COUNCIL MEETING

Lay on Table.

AUDIT COMMITTEE

- ✚ It was noted:
 - Previously Audit Committee consist of Council as a whole.
 - Under the Local Government Act 2009, number of membership of the audit committee will now consist of:
 - At least three (3) members and no more than six (6) members includes:
 - No more than two (2) Councillors
 - One (1) member who has significant experience and skills in financial matters.
 - A member to be appointed the audit committee chairperson.
 - Legislatively need two (2) audit committee meetings a Year
 - Council is in a position to have at least four (4) meetings this year
 - Remuneration is included (have budgeted funds).
- ✚ Mayor called for a nominee from Councillors to sit in this committee.
 - Cr. Nai was nominated. Cr. Nai accepted.

RESOLUTION

Moved Cr. Banu, Seconded Cr. Day that Council appoints the Mayor, Cr. Nai, Mr. Eric Muir, Mr. David Edgerton to form the Audit Committee of Council, further Council appoints Mr. Eric Muir as the Chair.

Motion Carried.

REMUNERATION

RESOLUTION

Moved Cr. Kris, Seconded Cr. Pearson that Council authorise that the payment for remuneration for Mayor, Deputy Mayor and Councillors be in accordance with the percentage set by the remuneration tribunal and the remuneration tribunals decision to a section 250AL application for the Mayors remuneration, that the remuneration is payable fortnightly.

Motion Carried.

EXPENSE REIMBURSEMENT

RESOLUTION

Moved Cr. Fell, Seconded Cr. Elisala that Council adopts the Expense Reimbursement Policy.

Motion Carried.

EXECUTIVE MANAGER REPORTS

ENGINEERING SERVICES

MONTHLY INFRASTRUCTURE REPORTS

- ✦ Lengthy discussions on bush fires in Communities, such as St. Pauls and Kubin:
 - EHWs need to investigate on the cause of these bush fires.
- ✦ Executive Manager Engineering Services:
 - noted the issue raised by Cr. Mackie regarding hiring of relieving Water Officer on lama who don't know how to collect and send water sample – needs someone there who knows the procedure.
 - As per Cr. Nai's query, some of the Water Officers lack good communication skills to educate and provide the awareness to households on excess water issues in their community, but they are getting the support which is something that needs to be looked at.
- ✦ It was noted that:
 - Council will look at sending letters to households regarding awareness on use of excess water.
 - Household will not be charged for excess water if Contractors damage water pipes etc. – contractors will have to wear the cost of the damage.
 - All discussion around the table including excess usage, population of household, need to be added as extra data into the Monthly report as well.

RESOLUTION

Moved Cr. Pearson, Seconded Cr. Fell that Council receive the attached monthly reports and authorise release to DLGP and TSRA.

Motion Carried.

It was resolved that Council break for afternoon tea at 3.00pm – 3.30pm.

GENERAL BUSINESS

- ✦ Removal of old body of vehicles
 - ✦ *Council to direct EHW:*
 - *to take an audit of old vehicles in communities*
 - *Seek permission from owners prior to removal of the old vehicles from their yard and off the community.*
 - ✦ *Executive Manager Engineering Services to ensure that all the vehicles are removed once the information comes in from the EHW.*

• Council Election

• It was noted:

- ▶ *State Election*
 - 24th March 2012
- ▶ *Local Government Quadrennial Election Day*
 - 28th April 2012
 - Nominations open 10th March 2012
 - Nominations closed 27th March 2012
 - Mobile polling - week before election
 - Caretaker provisions commences 10th March 2012.
- ▶ Information sheet will be provided to all staff for those who want to run for Election.
- ▶ Applicants can apply to take leave between 11th March – 28th April 2012, if they don't they will be deemed immediately as "leave without pay".
- ▶ Once the employee becomes a Councillor he/she needs to resign immediately.
- ▶ Councillors will be paid until 28th April (earliest) to 9th May (latest).
- ▶ CEO to provide Councillors with the new election timetable once it is updated on the Electoral Commission website.
- ▶ It is possible that Council will have another meeting prior to the Election.
- ▶ Government has advised that with regards to NDRRA decisions, Council can do them during Caretaker Mode. (have regulations behind them)

• Community Forum:

- ▶ The New council after Election will determine:
 - whether they keep Community Forum or establish an Advisory Committee; and
 - The provision of remuneration to members.
- ▶ Community Forum members will be provided with a letter from the CEO.

• Unlicensed Person/Unregistered Vehicles

- This is an ongoing issue in communities regarding persons who are driving unregistered vehicles and also do not have a Drivers Licence.
- Cr. Kris advised bring in a Policy to implement in Communities on this issue.
- Cr. Pearson:
 - ▶ Need a Policy also to keep unwanted vehicles from entering communities as well.
 - ▶ Advised that the Indigenous Driving Licensing Unit advised their learners that they won't be able to obtain their hours (100hrs) driving in communities.
- Mayor advised there is an exemption from 100hrs in remote locations which can see drivers do just maybe 20hrs – just need to tap into that exemption.

- ✚ Chief Legal Officer:
 - ▶ can implement a Policy into Local Laws with a fee in place for community members to remove the unwanted vehicles otherwise they get fined.
 - ▶ 20th – 25th February – Training /workshops for Community Police

- ✚ Street Lights
 - ✚ No further advance on this issue.

- ✚ Water Charges
 - ✚ It was noted that tenants will be made aware of excess water charges, the implications etc.
 - ✚ Letter will be sent to all households.

- ✚ In kind donations
 - ✚ Discussions on issue raised by Cr. Guivarra regarding authorisation on hire of hall by churches, funeral etc., that the decision should be made by the Councillor and Divisional Manager in the community instead of directing it back to the CEO each time for authorisation.
 - ✚ Mayor
 - ▶ Councillors were provided with the opportunity to email CEO a listing, identifying matters that Council would like discretionary decision making powers over noting that this occurs now, however to have it well and truly documented in Council's policy of processes.
 - ▶ Some examples would be to waiver fees and charges that would apply for the use of Council assets and plants for significant community/cultural gatherings, religious or sporting activities.
 - ▶ Highlight powers to CEO for some authorization to be given back to Councillors
 - ✚ Cr. Kris
 - ▶ Its about saving the assets, to help arrange and better the community.
 - ▶ People tend to misuse the assets because they know Councillors have no say in how they use them, that's the thinking now in communities
 - ▶ Give Councillors some legislative authority to manage Council properties.

CLOSED BUSINESS

Moved Cr. Bero, Seconded Cr. Pearson 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.

END OF CLOSED BUSINESS

ISSUES RATIFIED FROM CLOSED BUSINESS

ENTERPRISE DIVESTMENT

- *Conflict of Interest declared by Cr. Lui as Director on Warraber TSI Corporation.*
- *Members agreed for Cr. Lui to remain in the meeting during this session.*

RESOLUTION

- (1) *Moved Cr. Mosby, Seconded Cr. Pearson that Council 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 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:*

IAMA ISLAND

| <u>Entity</u> | <u>Enterprises</u> |
|---|---|
| <i>Iama Mura Mabaigal (TSI) Corporation</i> | Augustine Wasada Kaikal Mudith Kiosk Coffee Shop at Cultural Centre Cultural Centre Kodakal Lodge Sundowner Guesthouse |

WARRABER ISLAND

| <u>Entity</u> | <u>Enterprise</u> |
|---|-------------------------------|
| <i>Warraber Fisherman's (TSI) Corporation</i> | Guesthouse Resort Kiosk |

- (2) That the Chief Legal Officer write to each other Tenderer requesting further and better particulars with respect to their Tender to enable the Evaluation Panel to properly assess their application.

Motion Carried.

TENDER FOR FABRICATION AND INSTALLATION OF TIDE GAUGES

RESOLUTION

Moved Cr. Lui, Seconded Cr. Fell that Council accept the recommendation of the Project Manager that Pacific Marine Group is awarded the contract for \$289,400 (excl GST).

Motion Carried.

Cr. Bero left the room 5.35pm returned 5.40pm.

BUSINESS ARISING FROM PREVIOUS MINUTES - COUNCIL MEETING

- Nil

CONFIRMATION OF MINUTES - COUNCIL MEETING

RESOLUTION

Moved Cr. Bosun, Seconded Cr. Guivarra that the minutes of the Ordinary Meeting held 7 December 2011 be adopted as true and accurate.

Motion Carried

5.35PM COUNCIL MEETING CLOSED

MEETING OF COUNCIL AS TRUSTEE OF COMMUNITY DOGIT

Moved Cr. Elisala, Seconded Cr. Bedford 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

Noted that Reports for Boigu IBIS and Iama IBIS Trust Change Proposal has been withdrawn from this Agenda

WARRABER IBIS TRUSTEE LEASE

RESOLUTION

Moved Cr. Lui, Seconded Cr. Elisala, that the Trustee grant a Trustee Lease to the Islanders Board of Industries and Services ABN 42 060 262 890 over part of the land identified in the Survey Plan 143316 as Lease B and comprising part of the Deed of Grant in Trust being lot 4 on CP TS171, County of Torres, Parish of Adolphus, title reference 21296137, for carrying on a retail business or other business which the Lessee is entitled to carry on pursuant to section 60B of the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984 (Qld), subject to Native Title consent.

Motion Carried

Against: Cr. P. Mosby
Cr. Mackie
Cr. Banu

COUNCIL MEETING CLOSED

6.00pm With no further discussions, the meeting closed in prayer by Cr. Fell.

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Cr Fred Gela
Mayor

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Mr John Scarce
Chief Executive Officer