



**Torres Strait Island**  
REGIONAL COUNCIL

**MINUTES**

**ORDINARY MEETING**

**WEDNESDAY 25TH JULY - THURSDAY 26<sup>TH</sup> JULY 2012**

Please find attached Minutes of the above meeting held on Wednesday 25th July 2012 at 10.15am – 4.20pm at *the TAFE Campus, Aplin Road*, Thursday Island, and Thursday 26th July 2012, TSIRC Conference room, Victoria Parade, Thursday Island.

**WEDNESDAY 25TH JULY 2012**

**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  
Cr. Mario Sabatino, Division 8- Hammond  
Cr. Getano Lui Jnr, Division 9 - Iama  
Cr. Ted Billy, Division 10 - Warraber  
Cr. Fraser Nai, Division 12 – Yorke  
Cr. Jerry Stephen, Division 13 – Ugar  
Cr. Jimmy Gela, Division 14 – Erub  
Cr. Aven Noah – Division 15 – Mer Island  
Mr. John Scarce, Chief Executive Officer  
Ms Dania Ahwang, Deputy CEO  
Mr. Anthony Bird, Executive Manager Corporate & Finance  
Mr. Chris McLaughlin, Chief Legal Officer  
Mr. Douglas Stephen, IT Manager  
Mrs Dinah Sailor, Executive Secretary.

**8.40am:** Meeting opened in prayer by Cr. Enosa.

**BUDGET MEETING**

**10.15am:** Following Budget Meeting - Council meeting commenced.

**COUNCILLOR SUPERANNUATION**

**RESOLUTION**

*Moved* Cr. Fell, *Seconded* Cr. Baira that Council in accordance with section 226 of the Local Government Act 2009 allow an individual Councillor to contribute to the LG Super, and that Council facilitates this contribution.

**Motion Carried.**

***It was resolved that Council break for morning tea at 10.25am – 11.15am.***

## **PRESENTATION**

### **INTERGRATED SERVICE DELIVERY - TSRA**

- Mayor welcomed TSRA CEO, Wayne Seekee who acknowledged the Traditional Owners and introduced other members of the Integrated Service Delivery.
  - Ms Louisa O'Connor, DATSIMA
  - Mr. Paul Loney, Director, DATSIMA
  - Mr. John Ramsey, Program Manager for Governance & Leadership, TSRA
  - Mr. Charlie Kaddy, Project Manager, Governance & Leadership Program, TSRA
- Mr. John Ramsey presented a power point to Councillors on the framework of the Integrated Service Delivery.
- This presentation was to get Councillors up to speed as to where they are now, haven't been finalized as yet going to the four (4) Leaders (Mayor Elu, Mayor Gela, Mayor Stephen, and TSRA Chair) for signatories before it is implemented.
- Cr. Kris advised it is about bringing this plan back to Council so that they have are aware and have a fair understanding of it, to enable the team to go back and work closely down on ground with Councillors in the Communities.
- Mayor
  - Need Ministers to come to the table and sign off on it as need commitment from both State and Commonwealth – even if we get the Premier to execute, he can he can get all the Ministers on side to execute as well, however, need to get the Director-General on side to meet with him and for him to execute the Plan.
  - Whether it be Regional Council, TSRA, DATSIMA, and all other agencies eg QLD Health, Education – Mayor strongly urge need an individual to sit in the Working Group who has the delegated authority to make decisions in order to commit funds for that Department.
  - this is the reason why TSIRC as come on board with the overall process to connect and that in a sense has occurred.
  - One of the key principles when talking about Community Grants in the Regional Development Grants Program of TSIRC we make sure that all the policies enshrined in that, draws up the very parameters that will ensure that it will meet and address the aspiration of the people.
  - Where Council cannot do it within the funding constraints we are experiencing, I hope in the level of partnership and in good faith and in goodwill for the sake of the people of Torres Strait if TSRA has the funding, it's forthcoming.
  - All the organisation, the signatories have one purpose, address one goal to develop our Region not forgetting NPARC.

### **BRIEFING ON RIBS**

- Mr. Ramsey briefing on Remote Indigenous Broadcasting Strategy (RIBS)
  - 12 months ago received information that council was unable to fund RIBS position.
  - TSRA agreed to fund the wages components and operational costs associated with RIBS Operators in four (4) Communities last financial year, but only saw two (2) positions in place.
  - The impediment is identifying people to take on the positions.
  - This year commitment from TSRA to fund up to 8 positions and hopefully get the 14 RIBS stations operated- looking at employees to train etc.
  - Have funding available but need to get the eight (8) positions going so to expand further to have the 14 RIBS stations operating.
  
- Cr Noah
  - Communication Strategy developed by Elissa Shuey (former PR & Media Officer of Council) outlining issues of RIBS and the Program content etc.
  - Whilst it is good for TSRA to fund those positions the building infrastructure of RIBS Stations in Communities are at a poor state and this was identified in Elissa's Report which includes from ground up dishes, towers, etc.
  - TSRA at one time had Funding available to TSIMA and was to be halved and the other half would go directly to an organization Remote Indigenous Media Organisation (RIMO) and that organization would take care of the establishment of RIBS.
  - Whilst it has been identified in this meeting that the onus is placed upon council for the running of those particular stations it is very crucial that we don't go and get operators to do programs.
  - If those infrastructures falls there is that Public Liability that will come back to Council.
  - Way forward is to:
    - Sort out Infrastructure
    - Sort out RIMO
    - Sort out Training capability
  
- Mayor
  - There are some facilities that are available but on some communities there are not, but willing to work closely with TSRA on this.
  - Will not be looking at employing people to those positions where the facilities are run down.
  - The report has identified everything from scratch, dishes, towers etc - funding of about \$675,000.

***It was resolved that Council break for Lunch at 1.05pm.***

## **TSRA BOARD MEMBERSHIP**

### **RESOLUTION**

*Moved* Cr. Nai, *Seconded* Cr. Sabatino that Council ratifies the actions of the Mayor by advising the Federal minister , the Hon Jenny Macklin, Minister for Families, Community Services and Indigenous Affairs and the TSRA Board that Council resolved that until a separate election is held by TSRA for positions on the Board that the previous approach of appointment for the TSRA that being the fifteen (15) directly elected to the divisions of the TSIRC and two (2) directly elected to the division of Bamaga and Seisia be continued.

Further that it is essential that the election time be brought forward.

### **Motion Carried.**

**Against:** Cr. Baira  
Cr. Kris

## **STATEMENT OF PRINCIPLES**

Cr. Lui

- The main purpose of the Statement of Principles is to lean more towards reminding Government of their obligation under the United Nation Charter for Indigenous people.
- The two specific terminology used is "Self-Determination and "Self Management.
- Australian Government has come some way of saying that Self Management is really what they've given us with TSRA instead of giving us:
  1. Independent as Sovereign State
  2. Free Association with Queensland and Australia
  3. Integration – which is what they have done to us giving us TSRA where ATSIC was there before, it was the Australian Government answer to the UN Charter on Self Determination and Self Management.
- Take the role of local Government out of it all together and create a Regional Governance and deal directly with State and Commonwealth Government.
- Local Government Act is up for Review – Council to sit down and look at how the Act would suit us.
- Set up a Regional Structure outside of Local Government
- Its how we approach it strategically to get government to understand where we coming from.
- Self Determination and Self Management - its not nothing new they have given it to us and have taken it away, we just need to restore it back so that the control and management and capacity to make the decision stays with us in our community.

Mayor

- Councillors agreed to endorse Option 1.
- The Statement of Principles:
  - won't be duplicating in identifying the work to be done.
  - Council look at enhancing what we got and a better framework.
  - would funnel and generate that single line of appropriation of coming back to the Regional Government Framework plus achieving all the outcomes Council seek and commitment from the Premier and the Prime Minister.
  - comments made on Torres News because it's a public document where Communities are invited to make submissions whether or not they want to look at boundary realignment to call on De-amalgamation
  - made it clear to the public that de-amalgamating is not a straight run don't know what level of funding we may get as well as the cost of De-amalgamating.
  - Look at developing some concept around Regional Governance Framework so to advise Council's position to families back home that have faced hardship as a result of amalgamation.
  - Look at it collectively in unity and advise not looking at de-amalgamation but outside the box.

**RESOLUTION**

*Moved* Cr. Sabatino, *Seconded* Cr. Billy that Council adopt the Statement of Principles as the guide, and form a select committee of seven (7) to flesh out actions for Council Resolution.

**Motion Carried.**

**Membership of Committee of seven (7)**

Cr. Noah  
Cr. Lui Jnr  
Cr. Fell (Deputy Mayor)  
Cr. Sabatino  
Cr. Baira  
Cr. Kris  
Cr. F. Gela (Mayor)

**COMMUNITY GRANTS**

- Cr. Enosa declared his conflict of interest.
- Cr. Enosa decided to remain in the room during this deliberation and to vote.
- A request to grant access to \$15,000 from the Regional Community Grants funding has been made by Cr Ron Enosa of Division 3 – Saibai Island. This request is to cover:
  - hire of musical instruments
  - charters for invited music artists

- fireworks
- feasting

**RESOLUTION**

*Moved* Cr. Sabatino, *Seconded* Cr. Nai that Council provides a Grant of \$15,000 from Regional Grant for Saibai.

**Motion Carried.**

**Against:** Cr. Stephen  
Cr. Billy

**COASTAL PRESENTATION**

- Executive Manager Engineering provided a power point presentation on Coastal issues.
- Cr. Toby requested that he be involved in the project of the development of seawalls and kept in the loop because there are other areas that he has identified that has not been captured on Boigu.

**For Council to Note.**

**CLOSED BUSINESS**

*Moved* Cr Kris, *Seconded* Cr. Fell 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**

**3.45pm** Executive and Staff was asked to leave the meeting room.

**IN-CAMERA SESSION**

**4.20pm** Executive and Staff returned to the meeting room.

**END OF CLOSED BUSINESS**

**INSURANCE**

**RESOLUTION**

*Moved* Cr. Fell, *Seconded* Cr. Nai that Council award:

Tender TSIRC2012-03 Brief for Insurance and Risk Management Services to AON Risk Services Australia Limited

**Motion Carried.**

**MEETING CLOSED FOR THE DAY**

**4.30pm** With no further discussions, the meeting closed in prayer by Cr. Gaiden.

**Day 2 - THURSDAY 25TH JULY 2012**

**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. Horace Baira, Division 5 – Badu Island  
Cr. Toshie Kris, Division 7 – St. Pauls  
Cr. Mario Sabatino, Division 8- Hammond  
Cr. Getano Lui Jnr, Division 9 - Iama  
Cr. Fraser Nai, Division 12 – Yorke  
Cr. Jimmy Gela, Division 14 – Erub  
Cr. Aven Noah – Division 15 – Mer Island  
Mr. John Scarce, Chief Executive Officer  
Ms Dania Ahwang, Deputy CEO  
Mr. Chris McLaughlin, Chief Legal Officer  
Mrs Dinah Sailor, Executive Secretary.

**Apologies:** Cr. Ron Enosa, Division 3 – Saibai Island  
Cr. David Bosun, Division 6 – Kubin, Moa Island  
Cr. Ted Billy, Division 10 - Warraber  
Cr. Phillemon Mosby, Division 11 – Poruma Island  
Cr. Jerry Stephen, Division 13 – Ugar  
Mr. Anthony Bird, Executive Manager Corporate & Finance  
Mr. Douglas Stephen, IT Manager

**9.18am:** Meeting opened in prayer by Cr. Fell.

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

✦ ***Amendments to Minutes***

- Provide full clarity in the minutes in relation to LGOC discussions in particular why the Company was de-registered etc.
- Annual Report – amend Pg 8 2010-2011, not 2012-2011

✦ ***LGAQ***

- Mayor successfully appointed to District 12 - LGAQ.
  1. Mayor Alfred Lacey (Palm Island)
  2. Mayor Fed Gela (TSIRC)

✦ ***Council Remuneration***

- Submission was submitted but no response as yet. CEO to email copy of the Submission to Councillors.

✦ ***IAMA Community Aspirations to take over IBIS Stores***

- Chief Legal Officer advised:
  - Been in correspondence with IBIS and their Lawyers.
  - IBIS CEO is currently organizing a meeting directly with the Enterprise Corporation on Iama and the Councillor.

✦ ***Poruma Sewerage***

- Executive Manager Engineering advised:
  - a tender assessment has been undertaken and a copy was provided to him but didn't reach on time for inclusion in the Agenda.
  - Wasn't happy with the tender evaluation because it didn't include a full life cycle cost analysis so have returned it to the

Program Managers to have it included - that will come to the Standing Committee or the next Ordinary Meeting.

- The final sign off of the ILUA has not been formally resolved.
- CLO advised not been signed off as yet but all parties have agreed to it.
- As soon the tender is submitted to Council for approval and the ILUA signed off, works will commence.

✦ ***Enterprise Divestment***

- Full report in Information Report under Closed Business - Deferred for discussions in Closed Business.

**9.45am**      **CLOSED BUSINESS**

*Moved* Cr Nai, *Seconded* Cr. Sabatino 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**

**10.00am**      **END OF CLOSED BUSINESS**

**RESOLUTION**

**CONFIRMATION OF MINUTES - COUNCIL MEETING**

*Moved* Cr. Kris, *Seconded* Cr. Nai that the minutes of Council Special Meeting held 31st May 2012 be adopted as true and accurate.

**Motion Carried**

**LGOC**

**RESOLUTION**

*Moved* Cr. Sabatino, *Seconded* Cr. Kris that Council:

- Adopts the Public Benefit Assessment April 2012;
- Reaffirms to establish a Local Government Owned Corporation Structure for its Building Services Unit in accordance with the Local Government Act 2009;
- Authorises the CEO to forward the Public Benefit Assessment to the State Government to establish the LGOC; and
- Authorises the transmittal of resources and staff to the LGOC to commence operation in its own right as soon as practicable after the State Government Authorises the establishment.
- Requests all Councillors to furnish with the CEO by the 15 July 2012, language name for the Corporation so a report can be written for consideration at the July Ordinary meeting.

- Advertise to establish a Corporitisation Committee.

**Motion Carried.**

## **EXECUTIVE MANAGER REPORTS**

### **CORPORATE & FINANCE**

### **RECORDS MANAGEMENT PROCESS**

### **RESOLUTION**

*Moved Cr. Fell, Seconded Cr. Noah that Council:*

- Invites tenders for the implementation of an Electronic Records Management System including all system design, hardware requirements, software development, project management, implementation and ongoing support.
- Endorses, the attached project plan; and
- Implements a centralised records management function with records and other like deliverables being profiled in Cairns.

**Motion Carried.**

***It was resolved that Council break for morning tea at 10.46am.***

## **LNP Animal Care, Protection and other Legislation Amendment Bill 2012**

- ✦ Mayor tabled and read letter reflecting some of the discussions that have already taken place and the walk out by the three (3) Leaders from Port Kennedy Hall during the meeting held on Thursday Island on Wednesday 18<sup>th</sup> July 2012, regarding Animal Care and Protection and other Legislation Amendment Bill 2012.
  - ▶ Also read TSRA Draft response to the same issue.
  - ▶ Once Mayor Gela is in receipt of Mayor Stephen's draft letter, will get Chief Legal Officer to marry up all three drafts and bring them altogether and flick them upstairs to TSRA to include all three logos (TSC, TSIRC, TSRA) on the letters and have them executed before the Minister arrives here.

## **EXECUTIVE MANAGER REPORTS**

### **ENGINEERING SERVICES**

### **DEVELOPMENT APPLICATION – BADU ISLAND PRE-PREP LEASE**

### **RESOLUTION**

*Moved Cr. Baira, Seconded Cr. Kris that Council issue a Development Permit for 'Reconfiguration of a Lot' with the inclusion of the following conditions:*

1. The proposed development is to be undertaken in accordance with the following approved drawings:

Plan/Document number	Plan/Document name	Date
SP248112	Plan of Lease BN	18/8/2011

2. This approval is valid for two (2) years. A plan of survey must be lodged with council for endorsement within this time, otherwise the approval will lapse.
3. The subject site is to be connected to water supply, sewerage, electricity and telecommunications infrastructure to the satisfaction of Council. Details of these connections must be provided to Council prior to endorsement of the plan of survey.

**Motion Carried.**

**Against:** Cr. Fell

#### **DEVELOPMENT APPLICATION – BADU ISLAND CHILD CARE LEASE**

- Mayor advised CEO/Executive Manager Engineering to note that before any application is brought to the table that all ILUA process has been ticked off to be able to make an objective decision.
- Chief Legal Officer explained to Councillors the process:
  - The ILUA requires all three (3) parties to sign off on it.
  - Attached to the ILUA is the agreed lease
  - In order to get the ILUA signed need to agree to the lease that's the difficulty because the lease is attached to the ILUA.
  - The CEO and Mayor cannot sign off on a ILUA unless agreed to the lease.
- Mayor advised just so long that the process is cleared to Councillors so that they are aware.

#### **RESOLUTION**

*Moved* Cr. Baira, *Seconded* Cr. Kris that Council advises the Department of Education, Employment and Workplace Relations that it supports the proposed development, subject to the following conditions:

1. Development is to be undertaken generally in accordance with the approved plans, being as follows:
  - Drawing No. THI1101\_BAD\_WD001B – Site Plan
  - Drawing No. THI1101\_BAD\_WD101B – Floor Plan
  - Drawing No. THI1101\_BAD\_WD201B – Elevations
  - Drawing No. THI1101\_BAD\_WD301B – Sections

2. Relevant approvals under the Building Act 1975 must be obtained prior to commencement of works;
3. The proposed development is to be connected to water supply, sewerage, electricity and telecommunications infrastructure to the satisfaction of Council. Details of these connections must be provided to Council prior to lodging an application for Building Works
4. An ILUA which clarifies (1) the Court area as part of the playground (2) Resolve the car parking issues.

**Motion Carried.**

**Against:** Cr. Fell

- *Cr. Fell advised has a situation in the community in relation to who's making decisions – his feeling is the information should be through PBC first before it comes to Council that was the normal practice.*
- *Mayor advised PBC has been instrumental and integral with the whole process they have been involved otherwise it wouldn't have even come this far.*
- *Chief Legal Office advised CEO wrote a letter to a State Agency who wanted to push through a lease but have not been to the PBC nor have they considered getting any survey plan etc, that Council would not be considering any proposal whatsoever until this has been put through the PBC, and that Council have received some form of in principle agreement from the PBC - that is the process Admin follows before it comes to Council.*

**11.50am**      **CLOSED BUSINESS**

*Moved Cr Fell, Seconded Cr. Sabatino 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**

**12.10pm**      **END OF CLOSED BUSINESS**

**RIBS/RIMO**

- Motion for discussion on the issue raised yesterday with TSRA regarding RIBS - raise at this meeting with a view to obtain support.
- Freeze all discussions and any other discussions pertaining to RIBS in the community.
- Seriously look at the 8 Positions proposed to give to communities.
- Those communities who are better off than others allow employment to happen, however, those communities where their

Infrastructure is falling apart, advise TSRA to redirect funding to have those infrastructure upgraded in the first instance.

- Letter be sent to TSRA that Council take control for RIBS.
- RIMO Component not go to TSIMA and bring the attention back to full Council who will make the decision as to who will be identified, whether it be external or internal.
- Should entertain the discussion on RIMO – Local Autonomy in Community.
- Context of letter to TSRA should include employment and training component.
- Negotiate with TSIMA Board.

## **RESOLUTION**

*Moved* Cr. Noah, *Seconded* Cr. J. Gela that Council:

- Allow funding coming through and continue employment in communities whose infrastructures are not in poor standards
- Look at training component of those employees that are currently employed.
- Write a letter to TSRA seeking further investment in investing on rectifying and addressing the backlog of maintenance issue and upgrade issue on the BRACS facilities in the Communities, to highlight in doing that in the first instance.
- Flag the aspirations that Regional Council should be the vehicle in light of the discussions to take place in relation to be the RIMO of the Region.
- Negotiate directly with TSIMA Board not through TSRA on discussions on upgrade funding for the facilities that are in poor standard now in the community.

**Motion Carried**

## **GENERAL BUSINESS**

### ✦ Mabuiag – Official Opening of Infrastructure

- ▶ Opening proposed for 12<sup>th</sup> September – Cr. Fell will email invitation to all Councillors.

### ✦ Sale of Power Cards

- ▶ Council was to approach IBIS on taking on the sale of power cards but have not had discussions on this issue with IBIS as yet.

### ✦ Airport Landing Fees

- ▶ Cr. Fell queried on the charge of airport landing fees?
  - If Council is charging and how much?
  - How much Council is getting for that fee?

### ✦ Next Standing Committee Meetings

- ▶ Will be held on Thursday Island.

### ✦ Mechanics

- ▶ Cr. Fell raised the issue on wrong mechanical parts being ordered and sent to communities and mechanics sitting on ground unable to do or fix any vehicles because of the issue.

- ▶ Mayor advised to review the whole ordering process as well as talk to the mechanics.
- ▶ Mayor encouraged other Councillors to flag the issue by an email to CEO.
- ▶ CEO will look into this and will be taking it up with the owner of the Contract Craig Beikoff.
- ▶ Schedule of the roving roster for Mechanics be sent to Councillors and advertised in Community so that public could have access to that service as well.

✦ Statement of Principles

- ▶ Cr. Lui raised two issue:
  1. Naming of the Statement of Principles that it be changed to “Zenadth Kes Declaration”
  2. Minister Elmes is given a copy of that Statement.

✦ “Zenadth Kes”

- ▶ It was noted that
  - The name “Zenadth Kes” was tabled at a Community Cabinet at the time the Premier came to Thursday Island.
  - When the Community Cabinet left, there was a bit of debate in Communities where elders have advised that the name was not our language and questioned the reason why we want to use the name.
  - Brief meaning given was that it described our position in the region with Kai Dudai and Migi Daudai and we were in the middle, thus the name “Zenadth Kes”.
  - It can be done with a letter from the Peak Organisations to the Premier requesting the name change but need a collective view with the support from the Community and its Constituents of Torres Strait that they have been consulted and have agreed to it.
  - Cr Lui
    - The onus is on us as Councillors to engage and talk to our people in communities.
    - Need to do something this year if we change the name we change the mindset of people and they will think differently.
    - Two things to look at that will complete that circle for us as a nation and identify our people:
      - National Anthem
      - Name of Region
  - Mayor advised Councillors to look at having Public meetings to discuss the name change with their communities before we could go forward on this issue.

**COUNCIL MEETING CLOSED**

- ✦ Mayor thanked Councillors for their support and their attendance here at the meeting and for their patience.

**1.17pm**            With no further discussions, the meeting closed in prayer by Cr. Fell.