



MINUTES

ORDINARY MEETING

TUESDAY 19 & WEDNESDAY 20 MARCH 2013

Please find attached Minutes of the above meeting held on Tuesday 19th March 9.15am – 5.55pm & Wednesday 20th March 9.04am to 3.00pm at Torres Strait Haus 46 Victoria PDE Thursday Island.

TUESDAY 19th MARCH 2013

Present: Cr. Fred Gela, Mayor
Cr. Keith Fell, Deputy Mayor, Division 4 - Mabuiag 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. 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 Chris McLaughlin, Chief Legal Officer
Ms Jessamyn James Public Relations & Media Officer
Ms Dinah Sailor, Executive Secretary

9.15am: Meeting opened in prayer by Cr. Lui Jnr

Apologies:

Cr. Dimas Toby, Division 1 – Boigu Island
Cr. David Bosun, Division 6 – Kubin, Moa Island
Cr. Rocky Stephen, Division 13 – Ugar Island

ONE MINUTE SILENCE

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

It was noted that Cr. Kris joined the meeting at 9.30am

ACCEPTANCE OF APOLOGY – COUNCILLORS ABSENCE

APOLOGIES NOTED

CR. ROCKY STEPHEN

- Cr. Stephen, Division 13 – Ugar Island (*Bereavement*)

RESOLUTION

Moved Cr. Sabatino, *Seconded* Cr. J. Gela that Council accepts the apology from Cr. Stephen for his absence at this meeting.

Motion Carried

CR. DAVID BOSUN

Cr. Bosun, Division 6 – Kubin, Moa Island (Attending Football Clinic on Badu)

RESOLUTION

Moved Cr. Akee, *Seconded* Cr. Billy that Council accepts the apology from Cr. Bosun for his absence at this meeting.

Motion Carried

CR. DIMAS TOBY

Cr. Toby, Division 1 – Boigu Island (Sad News in community)

RESOLUTION

Moved Cr. Mosby, *Seconded* Cr. Baira that Council accepts the apology from Cr. Toby for his absence at this meeting.

Motion Carried

DEPUTATION - Nil

VISITS BY DEPARTMENT OF MAIN ROADS

- ▶ Date of Visits to all TSIRC Communities, Saturday 6th April – Tuesday 9th April 2013 by the following Departments to inspect roads and marine infrastructures.
 - Tony Potter, Regional Director, Main Roads
 - David Kemtpn, Member for Cook
 - Daryl Jones, Liaison Officer for TSIRC with Department of Main Roads
 - Pat McGuire Executive Manager, Engineering Services.
- ▶ It was noted:
 - Timing of their visits coincides with Councillors Training in Cairns.
 - Five (5) Councillors (Iama, Warraber, Mabuiag, Badu, Murray) indicated their intention to be in the community on ground during their visits and will liaise closely with Engineering Department of the proposed dates.
- ▶ Action:
 1. Executive Manager to organise with TMR and Councillors to coordinate on who will be on Ground to meet them during their visits in the Councillors absence.
 2. email dates to Councillors and the names of the Reps and also to seek additional input from the Department on their visits.

RESTRUCTURE OF AGENDA

Noted reports pulled from this Agenda

1. Tura Shed – ‘let lay’ on table until further advice by Cr. Lui to bring it to the table.
2. Delegation Register – “let lay” on table to go to Councillors trainings in workshop style arrangement.
3. EOI –Advisory Committee Boigu Island - Cr. Toby not in attendance at this meeting.

Action:

Housing Tenancy Report missed the Agenda – information to Councillors only at this time. Report to go to next Council Meeting for endorsement

BUSINESS ARISING FROM PREVIOUS MINUTES

- ▶ Noted amendments to Minutes:
 - “it was resolved” to be removed when stating break for tea etc.
 - Minutes now structured differently and Councillors to note if they want anything recorded in the minutes to state that they wanted it recorded.
 - Budget Report changed to Budget Review
 - ATC change to QTC (pg 6)
 - IBIS (pg 9) - need to form a resolution before any community announcements are made.
 - Amend Proposed PBC Meeting to Joint PBC Meeting.
- ▶ Ergon Energy – CEO provided brief update.
- ▶ Asbestos
 - Deputy CEO rased the issue with the Building Team about the sites as advised by Badu in putting up safety barriers
 - Noted Saibai requested same to have barrier safety around asbestos
- ▶ MOU – awaiting meeting to take place for signatories to sign off on it.
- ▶ Action:
 - Executive Officer to organise Council Rep to attend and present at the Australian Day Awards for St. Pauls Community
- ▶ Joint Sitting:
 - Mayors, Deputy Mayors to come together to discuss in getting everyone together to talk about autonomy etc
 - Once the joint sitting takes place look at getting everyone together to form that summit.
- ▶ Action:
 - WI-FI capability – IT Manager to do a demo to Councillors on WI-FI
- ▶ Action:
 - Deputy CEO to rescheduled to have that dialogue with Senior Departmental Officers regarding HACCC Services for Hammond Island and direction of Funds for this service.
- ▶ Action:
 - DFAT – Draft letter to DFAT to have Mayor participate as member with full voting rights rather than as observer status.

CONFIRMATION OF MINUTES

Moved Cr. Gaiden, Seconded Cr. Nai that the minutes of Council held 18-19 February 2013 be adopted as true and accurate.

Motion Carried

It was noted that Council break for Morning Tea 10.30am – resumed 10.55am

CHILD CARE CENTRES

Noted that:

- ▶ Cr. F. Gela declared his conflict of interest during this session with regards to Hammond Island.
- ▶ Action:
 - Organise digital images of the centres – Kubin/Hammond to email to Councillors

Resolution

Moved Cr. Fell, Seconded Cr. Billy that Council endorse child care services establishment by way of, upgrade and fund Hammond Island service only as a “self funded” service in the shorter term with a view to continually reviewing its service potential for any unplanned impacts on its “self funded” status whilst looking at other children services options in other Divisions on a least an annual basis as part of operational plan deliberations.

Motion Carried

COMMUNITY GRANTS POLICY

SPORTING PURPOSES

RESOLUTION

Motion on the floor that Council adopt a position in relation to TSYRSA sport Funding proposal.

Motion LOST

Action:

Letter to TSYRSA to thank them for their proposal an when Council do get any Sport Funds Application, will seek their input.

RESOLUTION

Moved Cr. Baira, Seconded Cr. Nai that Council not support the TSYRSA proposal.

Motion Carried

COUNCILLOR DISCRETIONARY FUNDING PROCEDURE

RESOLUTION

Moved Cr. Kris, Seconded Cr. Sabatino that Council adopt the Community Grants Policy (PO10), Community Grants Procedure (PO 10/01), and Councillor Discretionary Funding Procedure (PO10/02)

Motion Carried

MAYORAL DISCRETIONARY FUNDING PROCEDURE

RESOLUTION

Moved Cr. Sabatino, Seconded Cr. Billy that Council amend the budget to include for the Mayoral Discretionary Fund

Motion Carried

COUNCILLOR DISCRETIONARY FUNDING BUDGET

Discussion on Part B deferred till after Lunch.

Admin to bring back to the table how much each Division have left on Community Grants Island by Island.

MABO DAY AWARDS

Noted and agreed that Judging Panel consists of previous three (3) panel members:

Cr. Fell
Cr. Nai
Cr. Mosby

RESOLUTION

Moved Cr. Billy, Seconded Cr. Gaiden that the award categories and judging panel for the TSIRC 2013 Mabo Day Awards be chosen and endorsed by Council.

Motion Carried

PETITION – QLD HEALTH

Discussion on this issue deferred till after Lunch

It was noted that Council break for Lunch 12.30pm – 1.40pm.

ADVISORY COMMITTEE – BOIGU ISLAND

It was noted that this report “Let lay” on table as Cr. Toby is not present to discuss the issue.

DELEGATIONS REGISTERS

It was noted that this report "Let lay" on table until April Ordinary Meeting to allow for a workshop to be conducted with the week 8 to 12 April 2013.

PLAYGROUNDS

RESOLUTION

Moved Cr. Nai, Seconded Cr. Akee that Council accept contributed playground equipment assets, as constructed by My Pathways as part of CDEP 12/13 program, and that Council be aware that the annual asset management costs of \$2,181.67 over the ten year life of the assets.

Motion Carried

FLEET RATIONALISATION

RESOLUTION

Moved Cr. Kris, Seconded Cr. Sabatino that the Council adopt the proposed fleet rationalisation model.

Motion Carried

RATE RELIEF POLICY

RESOLUTION

Moved Cr. Fell, Seconded Cr. Sabatino that Council adopts the Rate relief Guidelines.

Motion Carried

ENTERTAINMENT, HOSPITALITY AND CIVIC DUTY

RESOLUTION

Moved Cr. J. Gela, Seconded Cr. Nai that Council adopts the Entertainment, Hospitality and Civic Duty Policy; and that the policy remains current until 30 June 2014.

Motion Carried

DEVELOPMENT APPLICATION – SAIBAI ISLAND HEALTH

RESOLUTION

Moved Cr. Enosa, 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
SP219921 "Mark up"	Plan of Leases C, D & E in Lot 3 on TS157	15/9/2010

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 applicant must provide Council with the necessary Referral Agency Responses prior to lodgement of the Survey Plan for endorsement.
4. The applicant is responsible for ensuring compliance with State Planning Policy 2/02 Planning and Managing Development Involving Acid Sulfate Soils.

Motion Carried

DEVELOPMENT APPLICATION – BADU ISLAND HEALTH

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
SP151787	Plan of Lease A	14/08/2009

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 applicant must provide Council with the necessary Referral Agency Responses prior to lodgement of the Survey Plan for endorsement.

Motion Carried

LATE REPORT

HOUSING TENANCY

For Councillors information.

Action:

Report will go to next Council Meeting for further discussions and endorsement.

Mayor requested CEO to set aside Land and Housing Workshop.

PETITION – QLD HEALTH

Mayor discussed briefly :

- ▶ the issue regarding a petition on the process of the jobs cuts by QLD Health across the Torres Strait Communities and Thursday Island, and also the process of the redundancies made out to the QLD Health employees.
- ▶ the need to change composition and model of a Board (Torres and NPARC Board) that will be unique to this Region under the Act – that this is what we want in our Region.
- ▶ Hospital network for Torres Strait currently under Administrator (the Director-General).

Action:

- ▶ Council to draft two (2) letters be written up as soon as possible:
 1. the need to engage further discussions on the composition and model of a Board under the under the Act for the Region (Torres Strait & NPARC).
 2. in support of the Community movement express Council's dissatisfaction in the lack of Community engagement where front line services are affected and considered as front line, unique to Council, and also Regional engagement.
- ▶ Letters are to be drafted and emailed to Councillors seeking further input into the letter with a deadline for their feedback, prior to it being sent off to Community members/spokesman.

RESOLUTION 1.

Moved Cr. Gaiden Seconded Cr. Sabatino that Council request a Reform to capture uniqueness of Region to include key stakeholders representation eg Local Government with the composition of the Hospital Board.

Motion Carried

RESOLUTION 2.

Moved Cr. Akee, Seconded Cr. Nai that Council express dissatisfaction in the lack of Community engagement throughout the Region where front line services are to be affected.

Motion Carried

It was noted that Council break for afternoon tea 3.45pm – 4.15pm.

JOINT SITTING

- ▶ TSIRC will facilitate and send out invite to TSRA, TSC and NPARC (as common courtesy) and take lead around the key regional issues that needs to be discussed at the joint sitting.
- ▶ Have TSRA facilitate to have PBC come in and join in discussions.
- ▶ Need to have a 10 point plan drafted and input from Councillors on the issues.

RESOLUTION

Moved Cr. Sabatino Seconded Cr. Baira that Council write to Torres Shire Council (TSC), Torres Strait Regional Authority (TSRA) and as a common courtesy to Northern Peninsula Area Regional Council (NPARC) to have a Joint Sitting 28th & 29th May 2013, to discuss:

- Regional Governance
- Roles and Responsibilities
- Planning
- Future of Integrated Service Delivery (ISD)
- MIP Modelling
- 10 point Plan (one of the topics is connectivity)
- Joint Government Activities
- Community Summit (Regional Governance)

Motion Carried

GENERAL BUSINESS

- Permit System
 - Review when Chief Legal Officer will workshop tomorrow on Local Laws.
- QPS – takeover Community Police.
 - Mayor advised have not received anything informal as yet.

Action

1. Mayor requested that CEO liaise with Neil White to obtain formally from QPS something in writing so that Council could release a Media Statement
2. CEO to direct Public Relations & Media Officer to draft up a media release to the context that TSIRC is still waiting on it to be formalized.

- ✦ Cutting of Grass on Vacant Lots on Badu Island
 - Council responsibility to cut grass on vacant lots.
 - However, need to be aware that it is a sensitive issue as Council requires permission from owners to go into those vacant blocks.
 - PBC advised it is a 'no go' zone on behalf of the Traditional Owners of the vacant lands.

Action

1. Cr. Baira to liaise with Council's CEO to provide him information on the vacant lot numbers and street address and email to Mura Badugal to seek their permission for Council to enter the lots and do the work.

5.15pm

CLOSED BUSINESS

RESOLUTION

Moved Cr. Baira, Seconded Cr. Fell 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

- 9a) 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

5.54pm

END OF CLOSED BUSINESS

1. STATEMENT OF PRINCIPLES

RESOLUTION

Moved Cr. Sabatino, Seconded Cr. Nai that Council adopt the explanation of the Statement of Principles and authorise it's distribution, further authorising the lobbying of relevant politicians, public servants, the United Nations and other organisations and individuals to pursue the self government aspiration.

Motion Carried

2. TENDER - CONTRATORS AND SUPPLIERS

RESOLUTION

Moved Cr. Billy, Seconded Cr. J. Gela that Council adopts Schedule A as register of Preferred Suppliers under s233 of the Local Government Regulation 2012 for Building works in the Torres Strait for the period 1 July 2012 to 30 June 2014.

Motion Carried

3. ASBESTOS MANAGEMENT PROJECT

It was noted that this report be "let lay" on table until tomorrow seeking further clarification on Resolutions/Documents.

5.55pm

MEETING CLOSED

With no further discussions, the meeting closed in prayer for the day by Cr. Mosby.

WEDNESDAY 20TH MARCH 2013

Present: Cr. Fred Gela, Mayor
Cr. Keith Fell, Deputy Mayor, Division 4 - Mabuiag 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. Jimmy Gela, Division 14 – Erub Island
Cr. William Akee, Division 15 – Mer Island
Mr. Anthony Bird, Executive Manager Corporate & Finance
Ms Dania Ahwang, Deputy CEO
Mr. Pat McGuire, Executive Manager Engineering Services
Mr. Chris McLaughlin, Chief Legal Officer
Mr David Abednego, Executive Officer

9.04am: Meeting opened in prayer by Cr. Gaiden

Apologies:

Cr. Dimas Toby, Division 1 – Boigu Island
Cr. David Bosun, Division 6 – Kubin, Moa Island
Cr. Rocky Stephen, Division 13 – Ugar Island
Mr. John Scarce, Chief Executive Officer

9.05am **CLOSED BUSINESS**

RESOLUTION

Moved Cr. Mosby, Seconded Cr. Nai 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

- 9a) 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

9.28am **END OF CLOSED BUSINESS**

ASBESTOS MANAGEMENT PROJECT

RESOLUTION

Moved Cr. Enosa, Seconded Cr. Kris that Council based on the quotations received and the analysis of the schedules it is recommended that GHD with a quotation of \$422,340.00 be accepted under the local buy contract BUS 225-1211 and a contingency of \$42,880 be held over to cover asbestos sampling costs, and \$40,000 be identified for additional buildings which may be included at the direction of the Chief Executive Officer.

Motion Carried

9.30am **COUNCIL MEETING CLOSED**

9.30am **PROPOSED DECISION TRUSTEE MEETING**

MEETING OF COUNCIL AS TRUSTEE OF COMMUNITY DOGIT

Moved Cr. Sabatino, Seconded Cr. Baira 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

QUEENSLAND HEALTH LEASES – BADU ISLANDS

RESOLUTION

Moved Cr. Baira, Seconded Cr. J. Gela that the Trustee grant a Standard Lease to the State of Queensland as represented by Queensland Health over land described as Lease A on Survey Plan 151787 in Lot 7 on Crown Plan TS158, County of Torres, Parish of Duncan, title reference 21296126, for the operation and maintenance of a primary health care centre and residential accommodation for employees of the lessee and for any other Government Services Use reasonably incidental to those purposes, subject to Development Approval under the Sustainable Planning Act 2008 (Qld), Ministerial Consent under the Torres Strait Islander Land Act 1991 (Qld) and/or Native Title consent under the Native Title Act 1993 (Cth) (as applicable).'

Motion Carried

QUEENSLAND HEALTH LEASES – SAIBAI ISLANDS

RESOLUTION

Moved Cr. Enosa, Seconded Cr. Fell that the Trustee grant a Standard Lease to the State of Queensland as represented by Queensland Health over land described as Lease F on SP258902 in Lot 3 on Crown Plan TS157, County of Torres, Parish of Giaka, title reference 21296134, for the construction, operation, use and maintenance of residential accommodation for employees of the lessee and for any other Government Services Use reasonably incidental to those purposes, subject to Development Approval under the Sustainable Planning Act 2008 (Qld), Ministerial Consent under the Torres Strait Islander Land Act 1991 (Qld) and/or Native Title consent under the Native Title Act 1993 (Cth) (as applicable).'

Motion Carried

10.20am **PROPOSED TRUSTEE DECISION MEETING CLOSED**

10.20am **COUNCIL MEETING RESUMED**

It was noted that Council break into Morning Tea 10.30am – 11.00am

CORPORATE PLAN WORKSHOP

Council went into a workshop on Corporate Plan facilitated by Executive Manager Corporate.

LOCAL LAWS WORKSHOP

Council went into a workshop on local laws facilitated by Chief Legal Officer.

3.00pm **MEETING CLOSED**

With no further discussions, the meeting closed in prayer.