



**Torres Strait Island**  
REGIONAL COUNCIL

**MINUTES**

**ORDINARY MEETING**

**TUESDAY 16 & WEDNESDAY 17 APRIL 2013**

Please find attached Minutes of the above meeting held on Tuesday 16<sup>th</sup> April 9.24am – 5.10pm & Wednesday 17<sup>th</sup> April 9.15am to 2.45pm at the *Ugarie Nona Community Hall*, Badu Island.

## **TUESDAY 16th April 2013**

**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, Moa Island
- Cr. Mario Sabatino, Division 8- Hammond
- Cr. Getano Lui Jnr, Division 9 - Iama Island
- Cr. Phillemon Mosby, Division 11 – Poruma Island
- Cr. Fraser Nai, Division 12 – Yorke Island
- Cr. Rocky Stephen, Division 13 – Ugar Island
- Cr. Jimmy Gela, Division 14 – Erub Island
- Cr. William Akee, Division 15 – Mer Island
- Mr. John Scarce, Chief Executive Officer
- Mr. Anthony Bird, Executive Manager Corporate
- Mr. Pat McGuire, Executive Manager Engineering Services
- Mr. Jeffrey Hartley, Chief Financial Officer
- Mr. Chris McLaughlin, Chief Legal Officer
- Mr. David Abednego, Acting Deputy CEO
- Ms Daisy Ketchell, Acting Executive Officer
- Ms Dinah Sailor, Executive Secretary

**9.24am:** Meeting opened in prayer by Cr. Lui.

### **Apologies:**

- Cr. David Bosun, Division 6 – Kubin, Moa Island
- Cr. Ted Billy, Division 10 - Warraber Island
- Ms Dania Ahwang, Deputy CEO

### **ONE MINUTE SILENCE**

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

### **WELCOME AND OPENING REMARKS**

- ▶ Mayor Gela
  - Acknowledged the PBC Mura Badulgal (Torres Strait Islanders) Corporation, the Chairman of the PBC and the Traditional Owners of Badu, Elders, Spiritual Leaders, and future generation of the Community of Badu.
- ▶ Cr. Baira
  - Welcomed all Councillors and Staff to Badu.
  - Noted that welcome to Country will be officiated at dinner
  - House Keeping

### **ACCEPTANCE OF APOLOGY – COUNCILLORS ABSENCE**

With regards to apology procedures, it was noted:

- ▶ Councillors convey their apology via email or phone call to relay to Council Meeting and the decision lies with Councillors to accept or decline that apology.
- ▶ There are no penalties with regards to absence from Council Meetings
- ▶ If there are discussions regarding a community regarding land issues etc and the Councillor of that Community is not present then those discussions will be *let lay on table* and not discussed.
- ▶ the Council's approach on the apology procedures is as according to legislation. Council, however, can look at fine tuning the procedures if they wish to do so.

#### **Item 3**

### **APOLOGIES**

#### **CR. DAVID BOSUN**

- Cr. David Bosun, Division 6 – Kubin Community, Moa Island (*Prior Commitment Cairns*)

#### **RESOLUTION**

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

**Motion Carried**

**Against:** Cr. Nai

#### **CR. TED BILLY**

Cr. Ted Billy, Division 10 – Warraber Island (Work - AQIS )

#### **RESOLUTION**

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

**Motion Carried**

#### **Item 4**

**DEPUTATION:** Nil

**Item 5**

**BUSINESS ARISING FROM PREVIOUS MINUTES/CONFIRMATION OF MEETING**

- ▶ Executive Manager Engineering provided a brief update of visits by Department of Transport and Main Roads on the inspection of roads and marine infrastructure.
  - Visited every communities except for Ugar (as they were advised not to visit Ugar).
  - Kubin to St. Pauls road will be commencing in two weeks time (*to be discussed during General Business*)
  - Noted that Councillors of the Division of St. Pauls and Boigu requested that in the future they be present and on ground in their communities prior to any visits regarding inspections of their assets/infrastructures.

**Action:**

- Executive Manager Engineering to provide a list of Road and Marine Projects funded by under TIDS as well as MIPS and the Projects coming up this Financial Year.
- Executive Manager Engineering to email report to Councillors regarding visits on ground in each communities:
  1. looking at targeting in particular the areas that has been identified and noted.
  2. other feedback that may be warranted to inform councillors of the general feeling whether or not those particular areas are going to be funded.
  3. full sequencing of the works and timeframe

▶ Election Criteria

- Eligibility Criteria for Election – to lobby through State Government to ask them to change it back and even if it means we go through a full blown media coverage etc. (*to be discussed further prior to General Business*)

▶ Tura Shed

- Cr. Lui requested an update on the matter was *let lay on Table* until further collating of information by Admin and it being brought back to the table – requested an update on this matter.
- Executive Manager Corporate confirmed there are plans for CEA to do upgrades on the picnic shelter.
- As upgrade was to start in the next month or two by CEA, Council was under the impression that there was no need for Council to undertake or rectify the works due to the upgrade work that is to begin by CEA.

▶ Fleet Rationalisation

- Reported provided today in the information report regarding updates on the fleet rationalisation.

▶ Asbestos Safety Barriers

**Action:**

- CEO to follow up with Building Manager on where they are at on putting up the safety barriers around the asbestos Dialect building sites on Badu Island.

- ▶ Letter to QLD Health (Petition/Redundancies of cutbacks)  
**Action:**
  - CEO to draft a letter to QLD Health and email copy of the letter to Councillors.
- ▶ Letter to DFAT – Mayor's voting rights at TIMS/JAC Meetings.
  - It was noted that a Letter was drafted but no response as yet from DFAT.
- ▶ Joint Sitting
  - It was noted that a Letter has been sent to NPARC, TSRA and Torres Shire Council regarding the Joint Sitting arrangement.
  - Proposed dates 23/24<sup>th</sup> May, after Council Meeting at Kubin.
- ▶ Update on TSRA MOU – waiting to be signed off.

### **RESOLUTION**

*Moved Cr. Baira, Seconded Cr. Fell that the minutes of Council held 19 - 20 March 2013 be adopted as true and accurate.*

**Motion Carried**

### **MOTION FROM FLOOR:**

### **TIMELY ACTION OF COUNCIL DIRECTION**

### **RESOLUTION**

*Moved Cr. Lui, Seconded Cr. Sabatino that Resolutions made at an Ordinary Meeting must be actioned by the Executive responsible within a reasonable time and with due expediency with regard to the complexity and/or importance of such action item, with status reported by way of Information Report to the next available Council Meeting.*

**Motion Carried**

## **Item 6**

### **COMMUNITY GRANTS – COUNCILLOR DISCRETIONARY FUNDING**

### **RESOLUTION**

*Moved Cr. Toby, Seconded Cr. Nai that Council retain Community Grant budget for the remainder of 2012/13 financial year with no budget to be quarantined as Councillor discretionary funding, and monthly report showing expense and balance.*

**Motion Carried**

***It was noted that Council break for Morning Tea 10.47am – 11.10am***

**Item 7**                    **EOI ADVISORY COMMITTEE – BOIGU ISLAND**

Advisory Committee Members for Boigu Island:

1. Mr. Dennis Gibuma
2. Mrs Vera Auda
3. Mr Stanley Marama

**RESOLUTION**

*Moved* Cr. Toby, *Seconded* Cr. Gaiden that pursuant to section 264 of the Local Government Regulation 2012 (Qld), Council: -

1. appoint the Boigu Island Advisory Committee; and
2. approve the Terms of Reference (Attached); and
3. endorse the selection of up to four (4) voting members by the member for Boigu Island under Expression of Interest process; and
4. approve remuneration of \$100 per day per voting member in accordance with the Terms of Reference.

*Moved* Cr. Fell, *Seconded* Cr. J. Gela that Council approve budget revision to allow annual budget of no more than \$6,000 per divisional advisory committee, per annum.

**Motion Carried**

**Item 8**                    **DELEGATIONS REGISTERS**

**RESOLUTION**

*Moved* Cr. Sabatino, *Seconded* Cr. Mosby that pursuant to sections 257 and 260 of the Local Government Act 2009 (Qld), Council adopt the Instrument of Delegations of Local Government 2013, as presented.

**Motion Carried**

**Item 9**                    **POLICY ADOPTION**

**RESOLUTION**

*Moved* Cr. Nai, *Seconded* Cr. Akee that Council adopt the policies:

<b>PO 1</b>	Human Resources
<b>PO 2</b>	Workplace Health & Safety
<b>PO 3</b>	Audit
<b>PO 4</b>	Fiscal Governance
<b>PO 5</b>	Enforcement
<b>PO 6</b>	Privacy
<b>PO 7</b>	Environment
<b>PO 8</b>	Equal Employment Opportunity
<b>PO 9</b>	Workers Compensation & Rehabilitation

**Motion Carried**

**Item 10**      **SUBORDINATE LOCAL LAW NO.7**

**RESOLUTION**

Moved Cr. Sabatino, Seconded Cr. Baira that pursuant to section 28(1) of the Local Government Act 2009 (Qld), Council resolve to: -

- a. Repeal Subordinate Local Law No. 7 (Indigenous Community Land Management) 2011; and
- b. Make Subordinate Local Law No. 7 (Indigenous Community Land Management) 2013.

**Motion Carried**

*It was noted that Council break for Lunch 12.45pm – 1.45pm.*

**Item 11**      **LATE REPORTS**

**DIGITAL TV ROLLOUT – TSIRC CORPORATE BUILDINGS**

This matter be “*let Lay on Table*” until tomorrow seeking further information/data.

**MOTION FROM THE FLOOR:**

**ELIGIBILITY RESIDENTIAL STATUS AS CANDIDATE FOR LOCAL GOVERNMENT ELECTION – TORRES STRAIT**

**RESOLUTION**

Moved Cr. Kris, Seconded Cr. Baira that Council seek Legislation change to the Local Government Act 2009, requesting that to be eligible to run for election as Councillor or Mayor in the TSIRC Region, the Candidate must be an Aboriginal & Torres Strait Islander and have resided in the Community they run, and for Mayor within the TSIRC Electorate Area for two (2) years prior to election.

**Motion Carried**

**Against:** Cr. Mosby

**MOTION FROM THE FLOOR:**

**UPDATES OF ROADS & MARINE PROJECTS**

- ▶ *With Reference to Business Arising from previous minutes action.*

**RESOLUTION**

Moved Cr. Lui, Seconded Cr. Kris that a status report be provided to all Councillors relating to road and marine infrastructure.

**Motion Carried**

**Item 12**      **GENERAL BUSINESS**

- ▶ Transport & Main Road visits  
**Action:**
  - Executive Manager Engineering Service write to TMR re inclusion of extension to Barge Ramp at Badu in current water program.
  
- ▶ Updates on seawalls  
**Action:**
  - Executive Manager Engineering Services to provide via email to Councillors on the progress of the seawalls
  
- ▶ DATSIMA – invite to Council Meeting on their roles and responsibilities.
  
- ▶ Boigu Airport fencing  
**Action:**
  - Executive Manager Engineering to keep pressing on TMR for funding.
  
- ▶ Mabuiag Opening of Infrastructures Monday 15<sup>th</sup> July, coinciding with Council meeting in July 16 -17.
  
- ▶ Mobile Coverage – TSIRC Area  
**Action:**
  - CEO to continue negotiations with Telstra in the first instance and Council to lobby with Federal Government.
  
- ▶ Dredging Ugar  
**Action:**
  - Executive Manager Engineering Services to report to the May Ordinary Meeting status update, and for that report to be a standing item in future Council meeting as an information report unless resolution for action is required.
  
- ▶ Subsidy Funding Helicopter Service – Ugar  
**Action:**
  - Council to lobby State/Federal Government
  
- ▶ Community Cabinet meeting 26th May  
**Action:**
  - Full Council to be in attendance.
  - CEO to write submission in consultation with Mayor.
  
- ▶ No Health Worker on Ground – Ugar  
**Action:**
  - Mayor to liaise with Health Partnership and Queensland Health CEO about securing Health Worker for Ugar.
  
- ▶ Mer Island - Ergon new Power Station.  
**Action:**
  - CLO to follow up and liaise with Cr. Akee.



- ▶ Excess Water Usage Badu Unit property – need to check water leakage – Cr. Baira to provide lot number, street number and property description.

**Action:**

- Ex Manager Engineering to follow it up.
- Chief Financial Officer to provide report of every excess over \$100.

- ▶ Hammond Office Upgrade

**Action:**

- Executive Manager Corporate to revisit building designs in consultation with Cr. Sabatino, also provide update for Budget purposes and loan funds.

***It was noted that Council break for afternoon tea 3.30pm – 4.05pm.***

**Item 12**

**4.05pm**

**CLOSED BUSINESS**

**RESOLUTION**

Moved Cr. Nai, 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**

**5.05pm**

**END OF CLOSED BUSINESS**

**5.05pm**

**COUNCIL MEETING CLOSED**

5.05pm **MEETING OF COUNCIL AS TRUSTEE OF COMMUNITY  
DOGIT**

*Moved Cr. Enosa, Seconded Cr. J. Gela 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.*

**BADU AIRSTRIP RESERVE**

**RESOLUTIONS**

1. *Moved Cr. Baira, Seconded Cr. Akee that Council resolve to support the cancellation of the Reserve for Land Ground for Aircraft purposes, described as Lot 9 on CP894533 on Badu Island, so that the land can be regulated as transferable under the provisions of the Torres Strait Islander Land Act 1991.*
2. *that Council resolve to support the creation of a new Reserve over Lot 9 on CP894533 on Badu Island for provision of services beneficial to Torres Strait Islanders particularly concerned with the land (the new Reserve); and*
3. *that Council resolve to be made Trustee of the new Reserve.*

**Motion Carried**

5.10pm **MEETING CLOSED IN PRAYER FOR THE DAY**

## **WEDNESDAY 17<sup>TH</sup> APRIL 2013**

**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, Moa Island  
Cr. Mario Sabatino, Division 8- Hammond  
Cr. Getano Lui Jnr, Division 9 - Iama Island  
Cr. Phillemon Mosby, Division 11 – Poruma Island  
Cr. Fraser Nai, Division 12 – Yorke Island  
Cr. Rocky Stephen, Division 13 – Ugar Island  
Cr. Jimmy Gela, Division 14 – Erub Island  
Cr. William Akee, Division 15 – Mer Island  
Mr. John Scarce, Chief Executive Officer  
Mr. Anthony Bird, Executive Manager Corporate & Finance  
Mr. Pat McGuire, Executive Manager Engineering Services  
Mr. Jeffrey Hartley, Chief Financial Officer  
Mr. Chris McLaughlin, Chief Legal Officer \*  
Mr. David Abednego, Acting Deputy CEO  
Ms Daisy Ketchell, Acting Executive Officer  
Ms Dinah Sailor, Executive Secretary

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

### **Apologies:**

Cr. David Bosun, Division 6 – Kubin, Moa Island  
Cr. Ted Billy, Division 10 - Warraber Island  
Ms Dania Ahwang, Deputy CEO

*\*It was noted that Mr. Chris McLaughlin, Chief Legal Officer, joined the meeting during lunch.*

### **Item 15**      **RISK MANAGEMENT**

It was noted that this report be “*Let Lay on Table*”.

### **Item 16**      **ASSET MANAGEMENT**

#### **RESOLUTION**

Moved Cr. Sabatino, Seconded Cr. Nai that Council adopt:

- the attached Asset Management Plans associated with the following asset classes Buildings (Community), Buildings (Corporate), Fleet, Transport, Recreation Facilities, Waste Management, Water and Wastewater.

**Motion Carried**

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

**MOTION FROM THE FLOOR:**

**HAMMOND ISLAND SOCIAL HOUSING**

**RESOLUTION NO.1**

*Moved* Cr. Sabatino, *Seconded* Cr. Fell that for the purpose of rolling out Social Housing under the National Partnership Agreement for Hammond Island that Council supports the use of Section 24JAA by the State Government.

**Motion LOST**

**Against:** Cr. Toby  
Cr. Enosa  
Cr. Stephen  
Cr. J. Gela  
Cr. Kris  
Cr. Lui  
Cr. Mosby  
Cr. Nai

**MOTION FROM THE FLOOR:**

**COMMUNITY FELLOWSHIP COMMITTEE – BADU ISLAND**

It was noted that Cr. Baira declared his conflict of interest and left the room @ 11.30am

**RESOLUTION**

*Moved* Cr. Lui, *Seconded* Cr. Enosa that TSIRC enter into negotiations with the Community Fellowship Committee of Badu Island on a licensing arrangement in the interim until such time that the DOGIT is transferred.

**Motion Carried.**

*Cr. Baira returned to the room at 11.40pm*

**PRESENTATIONS**

Presentation by Mayor Gela and Cr. Baira to:

- Aragon Football Team in recognition of their sporting achievement in promoting Torres Strait in football.
- 50<sup>th</sup> Golden Jubilee Wedding Anniversary – Mr. & Mrs. Horace Baira

***It was noted that Council break for Lunch 12.25Pm – 1.10pm***

It was noted Cr. Fell was excused from the remainder of the Meeting proceedings.

**MOTION FROM THE FLOOR:**

**HAMMOND ISLAND SOCIAL HOUSING**

**RESOLUTION NO. 2**

*Moved* Cr. Sabatino, *Seconded* Cr. Nai that Mayor Gela and Cr. Sabatino that Council endorses Cr. Fred Gela and Cr. Mario Sabatino to negotiate with the Kaurareg PBC, Land Trust, Elders and Community in gauging support for a 24JAA application and the Native Title Act (Commonwealth) for Hammond Island Social Housing. Further Cr. Fred Gela and Cr. Mario Sabatino report back to Council at the June Ordinary Meeting for endorsement by Council.

**Motion Carried**

**MOTION FROM THE FLOOR:**

**CONSULTATION VISITS –RETAIL OPERATIONS**

- ▶ Noted if that could be put into Local Laws regarding entry permits.
- ▶ Mayor advise Chief Legal Officer to look into this and provide information to Cr. Gela and Cr. Baira prior to consultations.

**RESOLUTION**

*Moved* Cr. Lui, *Seconded* Cr. Baira to provide consultations with all Communities in relation to retail operations.

**Motion Carried**

**GENERAL BUSINESS**

- ▶ Vote of Thanks.

**Action:**

- *Mayor to present to Council at it May Ordinary Meeting a policy of providing an enduring gift to the people of the Divisions in which we hold our Ordinary Meeting.*

2.45pm

**COUNCIL MEETING CLOSED**

**PRESENTATION BY HEALING FOUNDATION**

*In attendance: Charles Pass, Lindy Moffatt, Lisa Hillan and Grant Sarra.*

Presentation by Healing Foundation.

Mayor advised that for them to develop a strategy they need to go into each communities, and need to contact the Councillors to go into their communities to engage in discussions.

Discussions closed in prayer by Cr. Enosa.