



Torres Strait Island
REGIONAL COUNCIL

MINUTES

SPECIAL MEETING

FRIDAY 15TH JULY 2011

Please find attached Minutes of the above meeting held on 15th July 2011 at 9.00am – 12.00pm at *the Conference Room, TSIRC Office, Level 3, 111-115 Grafton Street, Cairns.*

**Torres Strait Island Regional Council (TSIRC)
Special Meeting
Held at the TSIRC Conference Room, TSIRC Office, Level 3, 111-115 Grafton
Street, Cairns
Friday 15 July 2011**

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. Ron Enosa, Division 3 – Saibai Island
Cr. Keith Fell, Division 4 – Mabuag Island
Cr. Wayne Guivarra, Division 5 – Badu Island
Cr. David Bosun, Division 6 – Kubin
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. Pillemon Mosby, Division 11 – Poruma Island
Cr. John Mosby, 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 Chief Executive Officer
Mr. Anthony Bird, Executive Manager Corporate & Finance
Mr. Pat McGuire, Executive Manager Engineering Service
Mr. Noel Peters, Executive Manager, Human Resources
Mr. Lloyd Sunderland, Executive Manager, Communities
Mr. Chris McLaughlin, Chief Legal Officer
Mrs Tania Sailor, Executive Secretary.

Apologies: Mr. David Abednego, Executive officer

9.25am Meeting opened in prayer by Cr. Day.

ACCEPTANCE OF APOLOGY – COUNCILLORS ABSENCE

Nil

It was noted that Cr. Fell and Cr. Kris will be joining the meeting at a later time.

Mayor briefed Councillors on the running order of the Agenda for today:

- Corporate Structure Report – deferred to Closed Business
- LGOC Report – refer to separate paper
- Mabuag Grant to Whap – refer to separate paper
- Three (3) Information Report (refer to separate papers):
 1. CDEP
 2. Social Housing Capital Works Plan 2012-2014
 3. Enterprise Bargaining Agreement (EBA)

CEO clarified Special meeting can only discuss what's on the agenda. Should Councillors wish to discuss issues or have any business arising from the information report, the procedure would then be to close the special meeting at the end of the agenda, and open another meeting (this will be outside the special meeting) but it was noted that no resolutions can be endorsed from the discussions on the information report.

LOCAL GOVERNMENT OWNED CORPORATION (LGOC)

- Following discussions with Gary Oliver and Rick Healy (National Partnership Housing), their directive is for money goes to Council first or the local Government owned corporation
- If Council can deliver on 100% of the outcome, we will take 100% of that money.
- LGOC to receive the \$300M direct, so that council can be part of that management and get dollars (\$) that way.
- 90% Indigenous employment
- Continuity of work will always be there with regards to apprenticeship training
- LGOC Independent of the Council in its day to day operations. Where the Council is involved in the ongoing directions of the LGOC is through the Statement of Corporate Intent (a contract between LGOC & Council on how the LGOC will behave)
- Trading as "Torres Strait Island Regional Constructions Pty Ltd", that name can be changed to a new name.

RESOLUTION

Moved Cr. Bedford, Seconded Cr. Bosun that Council:

- Adopts the Corporatisation Plan
- Establishes the interim entity, Torres Strait Island Regional Constructions Pty Ltd;
- Appoints Mr. Andrew Kerr of Preston Law as a company Director; and
- Appoints Mr. Fred White of Seaswift as a company Director.

Motion Carried.

Noted that Cr. Kris joined the meeting at 9.50am.

MABUIAG GRANT TO WHAP

RESOLUTION

- \$2000 to Mr. Whap from \$5000 allocated to Mabuiag.

Moved Cr. Pearson, Seconded Cr. Bero that Council endorse that Mr. Stephen Whap be presented with \$2,000 in accordance with Cr. Feli's letter of request.

Motion Carried

It was noted:

- Cr. Fell joined the meeting 10.20am
- Cr. Pearson left the room 10.20, returned 10.23am

LOCAL LAWS POLICIES

- Cr. Bedford has the Mayor/CEO's approval to provide same information to traditional visitors so that they are aware of the prescribed activities and abide by the policy.

RESOLUTION

Moved Cr. Fell, Seconded Cr. Day that that Council adopt the following policies: -

- (a) the Enforcement Process Policy; and
- (b) the Prescribed Activity Process.

Motion Carried.

It was resolved that Council break for morning tea at 10.40am – 11.05am

ENTERPRISE DIVESTMENT

• ***Erub Freezer:***

- Cr. Bedford:
 - Daido Tavern and Freezer was approved by Council as part of round one (1) Divestment to transition across to Ged Erub Trading Homeland Enterprise TSI Corporation at which Daido Tavern was successful in divesting across.
 - Had reservations of the freezer going across to Ged Erub Trading so intervened in consultation with the CEO about holding off on actually handing the freezer over because it became obvious that Ged Erub Trading Homeland Enterprise was struggling with the management of just the canteen alone and they've made it quite clear that they would just concentrate on the tavern at that time.
 - Seeking from Council support to keep a Manager in place until the next Financial Year or before June next year.
 - Have had discussion with the CEO and the Fisheries Authorities to try and use our situation at Erub to set up a Fishing Corporation and all I am asking for is more time.
 - Decided as a priority:
 - a. to maintain the freezer for 7-10months more to give sufficient time to put in something more permanent, and it may end up being that Ged Erub would be in a better position than.
 - b. also give Council the context of what we will be asking for on top of that at the same time, is a paid part-time Multiskilled Office worker.
 - Would like to look at 6-7 months to put in place an alternative and it may end up being that Ged Erub would be in a better position than.
 - a.

- Freezer \$70 – \$100,000
- ✚ Mayor:
 - Queried if it was possible for that management assistance is provided but it comes at a cost for the Daido Tavern Enterprise that is sustainable and viable.
 - That way TSIRC don't have that \$100,000 worn as a result of that action but that mechanism is in place of providing security there so there is ongoing operation of the freezer but that revenue is coming from the Daido Canteen.
- ✚ Cr. Bedford:
 - It is possible but that kind of situation will take time as it is not guaranteed that Ged Enterprise will come to the Party.
- ✚ Mayor:
 - The Ged Enterprise knows that Daido is making money and the freezer isn't which is why they don't want to take on the freezer yet.
 - Between now and September dialogue needs to happen in seriously entering into those negotiations with the Community based Association to look at the fairness in relation to taking it on, however, we provide whatever support and mechanism necessary to continue the operation of the freezer at no cost to the Council.
 - Discussions needs to happen ASAP and look at whatever Cr. Bedford needs to spearhead those discussions with the Community based association.
 - Visit every available opportunity and options available to us whereby looking at engaging in discussion with CEA.
 - Coming back at some of the good work that has been done at Poruma by utilising ICV in relation to building the capacity of the individual management system that are down on the ground in the community.
 - That way it might get the community based association board of directors to a comfortable position that they see that all mechanism is in place and they will be happy to take on the freezer.
- ✚ Boigu Divestment:
 - ✚ Will be divested but no-one to take over at this stage
 - ✚ Chief Legal Officer advised at this stage there is no funding left from the Enterprise Divestment monies from TSRA, still wouldn't be sufficient enough to roll out the level of training that was done with other enterprises - just not enough money to roll out training unless Council search some other budget for it.
- ✚ Kubin:
 - ✚ Chief Legal Officer to follow up with Cr. Bosun regarding lease for the Artist Collection on Kubin.
- ✚ Ugar Ferry:
 - ✚ It was council's decision to divest Ugar Ferry, but if Ugar do not want to divest then Council will not include Ugar Ferry for Divestment.
 - ✚ Ugar/Dauan Ferry are essential services that will operate but if there's an expression of interest for a small business to be taken on then that's a call for Council whether they say yes or not to it.
- ✚ As per Cr. Kris query, CEO advised there was two lots of funding from TSRA:
 - ✚ 1st lot of funding:
 - Was to do the assessments on the viability of the Associations and that was done across the entire Torres Strait.
 - There was a report done on this and everyone would have received it.
 - From that report, Council made their decision on what get directly divested through the section of the Location Government Act at

that time and what would go to out to a competitive tender arrangement.

4. 2nd lot of funding:

- Received an additional \$500,000 to actually start doing the divestment process for all of the Community Based Association.
- Did provide a Directors training at St. Pauls at that time and Associations from St. Pauls, Dauan, Masig and Erub attended.
- The training looked at what a Director's roles and responsibilities would be in operating their association etc.
- Employed Barry and Lyn at the time to assist with setting up all of those organisations.
- Chief Legal Officer set up a number of organisations, their rules and associations etc.

It was noted that:

- Cr. Bosun returned to the meeting 11.07am
- Cr. Mackie returned to the meeting 11.10am
- Cr. Lui left the room at 11.10am, returned 11.15pm

RESOLUTION

1. *Moved Cr. Bedford, Seconded Cr. Guivarra* that Council actively work with the approved body to receive enterprises on Erub, Mer, Saibai, St Paul's and Kubin. If not transferred by 30th April 2012 those non-essential enterprises will be closed. In the mean time Council will apply management techniques necessary to optimise the enterprises.

Motion Carried

2. *Moved Cr. Bedford, Seconded Cr. Elisala* that Council place all undivested enterprises out for Round 2 Tender

Motion Carried

3. *Moved Cr. Bedford, Seconded Cr. Day* that Council include the Erub Bus Service on the list of enterprises to be placed out to Round 2 Tender and offer the assets for sale under the Tender.

Motion Carried

4. *Moved Cr. Bero, Seconded Cr. P. Mosby* that Council include the Ugar Ferry on the list of enterprises to be placed out to Round 2 Tender and offer the assets for sale under the Tender.

Motion Carried

EXECUTIVE MANAGERS REPORT - ENGINEERING & HOUSING

MONTHLY WATER AND INFRASTRUCTURE AND THIRD QUARTERELY FOR APRIL/MAY

RESOLUTION

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

Motion Carried

DEPUTY CHIEF EXECUTIVE OFFICER REPORT

QUEENSLAND AMBULANCE SERVICE (QAS) MEMORANDUM OF UNDERSTANDING (MOU)

- Looking at transferring responsibility for delivery and management of appropriate ambulance vehicles to Queensland Health within the communities of the TSIRC
- Current MOU with Council expires September 2011.
- Operating costs per vehicle including registration, insurance, vehicle maintenance, and fuel depreciation is estimated at \$10,000 per annum.
- Cr. Pearson
 - Not a possibility for Division 8 Hammond as the community do not have a Health Centre
 - First Responders are the main operators of Hammond ambulance
 - Not an option for Hammond, however, would like to seek further meetings with QAS and Queensland Health under Council's umbrella to see that they actually take on some or all of the costs associated.
- CEO
 - Assured Cr. Pearson if that is the way to go, then we look at going back to Queensland Health and have an individual Agreement with them for Hammond.
- Cr. Guivarra
 - Do not support the full recommendation and suggested that Council should be negotiating with the relevant parties to see whether there is a better outcome to this issue so as to not jeopardize our constituents in the community in discontinuing management.
- Deputy CEO
 - Manager of Procurement and Plant had a brief discussion with Queensland Ambulance and gave an early notification that Council may be thinking of not continuing with the MOU once this one expires.
 - Queensland health is not showing an interest in taking over that management
 - Still the majority of the vehicles are currently parked at Queensland Health facility on each of the communities, and the keys are held by Queensland Health.
 - Council covers all the cost of the running and maintenance of the vehicles but do not use it for Council operations, but use them for our community services.

- Cr. J. Mosby
 - Do not like to see it go back to Queensland Health.
 - Suggested that it be given back to the Queensland Ambulance Service (QAS) and negotiate those vehicles to be used by the first Responder, by EMQ on ground and not Queensland Health.
- Deputy CEO
 - At this stage the First Responder Group does access that vehicle but are not set up to take over the maintenance because they do not have the budgets to cover maintenance and fuel, where as Queensland Health does.
 - However, the First Responder Group will still use those vehicles.
- Mayor
 - The discussions for the original Memorandum of Understanding (MOU) looked at:
 1. *The use of the vehicles (where First Responders always have access to those vehicles).*
 2. *Percentage of use by Queensland Health (80% of the use, in some instances, 100% of the use).*
 3. *First Responders uses the vehicle now and again - not too often.*
 4. *Cost involved for the operation.*
 - Queensland Health knew of the cost involved, but wanted nothing to do with it, and wanted to use it at the expense of Council
 - The discussions here now where this MOU comes to an end, open a new door for negotiations.
 - With this recommendation Council has to state their position.
 - If Queensland Health still don't want any involvement or share any costs but they still want 100% use then Council has to make a call.
 - Hammond is totally different, is unique in itself because they do not have a health centre.
 - We will be going down that track in looking at Queensland Health oncost and how many arrangements need to be in place there.
 - Council needs to consider it because with the at the budgetary process that Council went through – need to look at guarding some of the enterprises.
 - The more Council carry expenses of all other organisations that uses it for free, the more the budget will go into deficit.
- Cr. Pearson
 - Noted that when you look at the Ambulance cost in regards to Division 8 Budget – Hammond is well below \$10,000.
 - When Queensland Health or QAS does visit Hammond, the First Responders are notified to assist them.

RESOLUTION

Moved Cr. Fell, Seconded Cr. P. Mosby that Council authorises the Chief Executive Officer to discontinue management of ambulance vehicles when current MOU with QAS expires on 6 September 2011.

Motion Carried

Against: Cr. Guivarra

It was resolved that Council break for lunch at 1.00pm

CLOSED BUSINESS

Moved Cr. Pearson, Seconded Cr. Day that in accordance with Regulation 72 of the Local Government (Operations) Regulation 2010 it is resolved for the Meeting to go into closed sessions to discuss 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

TENDER FOR ASSET SUSTAINABILITY PROJECT GROUP A – DAUAN ISLAND

RESOLUTION

Moved Cr. Elisala, Seconded Cr. J. Mosby that Council accept the recommendation of the Project Manager that the Torres Strait Island Regional Council award the contract (2101-01-C2) to Far North Plumbing Pty Ltd.

Motion Carried

TENDER FOR ASSET SUSTAINABILITY PROJECT GROUP A – UGAR RESERVOIR REPLACEMENT

RESOLUTION

Moved Cr. Fell, Seconded Cr. Bero that Council accept the recommendation of the Project Manager to award a contract to LDI Construction Pty Ltd for a lump sum of \$1,337,462 (excl GST) to undertake the nominated scope of works.

Motion Carried

TENDER FOR ASSET SUSTAINABILITY PROJECT GROUP C – HAMMOND WATER SUPPLY; MABUIAG WATER SUPPLY; SAIBAI WATER AND SEWER

RESOLUTION

Moved Cr. Fell, Seconded Cr. Pearson that Council accept the recommendation of the Project Manager that LDI is awarded the contract for \$4,689,694 (excl GST),

It is further recommended that LDI is awarded the contract including the Hammond Island Infiltration Galleries variation for \$5,086,566 (excl GST).

Motion Carried

NATIONAL PARTNERSHIP HOUSING

- Section 24JAA gives timeframes set down for whoever wishes to apply that notice to deal with Traditional Owners or the PBC.
- It was noted that Council:
 - Would make it clear to State and Native Title Office that Council don't support the use of 24JAA but still want a single ILUA for housing only to be executed and agreed upon not support Section 24JAA
 - Support discussion to occur in good faith in developing a housing specific ILUA.
- If State wants to exercise Section 24JAA because an agreement can't be reached at the end of the day then that is something State will exercise, and if that happens there is no reputable damage to Council in supporting that same gesture.

RESOLUTION

Moved Cr. Fell, Seconded Cr. Pearson that Council progress a separate Social Housing Indigenous Land Use Agreement to meet time frames for NPARIA obligations.

Motion Carried

Against: Cr. Banu

2.45pm

SPECIAL MEETING CLOSED

(Followed by Budget Meeting – separate Minutes)


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Cr. Fred Gela
Mayor


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Mr John Scarce
Chief Executive Officer