

**MINUTES OF THE ORDINARY MEETING OF THE TORRES SHIRE COUNCIL
HELD IN THE SHIRE OFFICES, DOUGLAS STREET, THURSDAY ISLAND
ON TUESDAY, 16 JULY 2013**

PRESENT

Mayor Pedro Stephen (Chair), Cr. Yen Loban, Cr. Allan Ketchell, Mrs Dalassa Yorkston (Chief Executive Officer), David McNicoll (Director Corporate & Community Services), Geoff Ball, (Director Engineering & Infrastructure Services) and Ms Nola Ward Page (Minute Secretary)

The meeting opened with a prayer by Mayor Stephen at 9.15am.

ACKNOWLEDGEMENT

The Mayor acknowledged the traditional owners The Kaurareg People upon whose land we hold our meeting and our elders of the different clans throughout the Torres Strait.

APOLOGIES: Apologies have been received from Cr. Willie Wigness and Cr. John Abednego.

Min. 13/07/1 Moved Cr. Loban, Seconded Cr. Ketchell

“That the apologies received from Councillors Willie Wigness and John Abednego be accepted.

Carried

CONDOLENCES As a mark of respect, Council observed a minute’s silence in memory of:

*Ms Esther Nona (Badu Island), Mr Zalag Larry (Yam Island),
Mr Palen Namok, Mrs Agnes Joan (Aggie) Ah Mat (nee Sabatino) and
Mrs Eral Saub (Badu Island), Mrs Glenda Smith (nee Williams)*

DISCLOSURE OF INTEREST UNDER THE LOCAL GOVERNMENT ACT

Cr. Wigness – In Committee – Sand & Quarry Lease

CONFIRMATION OF MINUTES

Min. 13/07/2 Moved Cr. Ketchell, Seconded Cr. Loban

“That Council receive the Minutes of the Ordinary Meeting of 11 June 2013 and confirm as a true and correct record of the proceedings.”

Carried

Min. 13/07/3 Moved Mayor Stephen, Seconded Cr. Loban

“That Council receive the Minutes of the Special Meeting of 26 June 2013 and confirm as a true and correct record of the proceedings.”

Carried

BUSINESS ARISING FROM PREVIOUS MINUTES - Nil

MAYOR’S REPORT

Acknowledgement of the Traditional Owners, the Kaurareg People

Proposed visit of the Governor-General, Her Excellency, Hon Quentin Bryce

The Governor-General and her husband, Mr. Michael Bryce will be visiting Thursday Island on Tuesday, 30 July 2013, as part of her Cape York regional tour. The Chief Executive Officer, Mrs. Dalassa Yorkston and I are working with the Governor-General Operations Manager to finalize her itinerary. Councillors are invited to meet Her Excellency.

Torres Shire Council Budget 2013/2014

I am pleased to present the draft Budget 2013-2014. As stipulated in the Local Government Act 2009, the Mayor must give a copy of the budget, as proposed to be presented to the Local Government, to each councilor at least 2 weeks before the Local Government is to consider adopting the budget. On Thursday 18 July 2013, an Audit and Finance Committee Meeting will be held as recently indicated to Councillors. Councillors are to provide myself with feedback or comments in relation to the draft budget before our Final Budget Meeting to be held at 9am on Tuesday 30 July 2013.

LEGISLATION *Local Government Act 2009* Section 107A

- (1) A local government must consider the budget presented by the Mayor and, by resolution, adopt the budget with or without amendment.
- (2) The Mayor must give a copy of the budget, as proposed to be presented to the local government, to each councilor at least 2 weeks before the local government is to consider adopting the budget.
- (3) The Local Government must adopt a budget before 1 August in the financial year to which the budget relates.

Min. 13/07/4 Moved Cr. Loban, Seconded Cr. Ketchell

"That Councillors receive the draft Budget 2013-2014."

Carried

Proposed visit Japanese Consul Isoda

The Consul from the Japanese Cairns Office, Mr. Isoda Yoshiyuki will be visiting Thursday Island on Wednesday, 14 August 2013 – Friday 16 August 2013. The Consul's visit is to coincide with the Kushimoto Friend City Agreement for Japanese Bon Festival which will be hosted by Torres Shire Council. The Mayor and Chief Executive Officer will not be available, due to attending the Ministerial Round Table meeting in Townsville. I recommend Deputy Mayor, Councillor Yen Loban to host the Japanese Consul during his visit in my absence.

Min. 13/07/5 Moved Mayor Stephen, Seconded Cr. Ketchell

"That Council prepare a comprehensive program to host the inaugural Japanese Bon Festival in August 2013."

Carried

Councillor Remuneration – Proposed Change to Method of Annual Variation

LGAQ is seeking the Local Government Minister to amend the Local Government Regulation 2012 which would remove the automatic nexus for salary increases for councilors (excluding Brisbane City Council) in line with increases paid to State Members of Parliament.

Under the Local Government Regulation 2012, the Remuneration and Discipline Tribunal determines the remuneration to be paid to Councilors, along with adjustments made in line with the percentage variation in the salary paid to State MPs.

The LGAQ fully supports the role played by the independent Tribunal in establishing the categories for the 72 Councils covered by the regulation, setting the relativities between the categories and determining the salaries paid for mayors, deputy mayors and councillors. No change is proposed in this regard. However, to be more transparent, LGAQ is seeking each council's feedback on this important issue. There are three options which could fit this bill:

- Consumer Price Index
- Wage Price Index
- Average Weekly Ordinary Time Earnings

Further details of these options are detailed in an *LGAQ circular* - Copies will be distributed to Councillors at the meeting. Council's response must be e-mailed by COB Friday 19 July 2013.

MAYOR'S REPORT (cont'd)

Councillor Remuneration – Proposed Change to Method of Annual Variation (cont'd)

Min. 13/07/6 Moved Cr. Ketchell, Seconded Cr. Loban
“That Council to provide its response through the Mayor and Chief Executive Officer to provide its preferred option to be used as the annual “inflator” for councillors remuneration under Section 245 (2) of the Local Government Regulation 2012.”
Carried

Min. 13/07/7 Moved Cr. Loban, Seconded Cr. Ketchell
“That the Report from the Mayor be received.”
Carried

1. CHIEF EXECUTIVE OFFICER

REPORT

Min. 13/07/8 LGAQ Annual Conference (File 1-21-12)
Moved Mayor Stephen, Seconded Cr. Loban
“That the Mayor, Councillors and Chief Executive Officer attend the 2013 Annual LGAQ Conference in Cairns during 21st and 24th October 2013 and confirmation of attendance is required by 2nd August 2013.”
Carried

Min. 13/07/9 Remote Jobs and Communities Program 2013 - 2018 (File 1-358-7)
Moved Cr. Loban, Seconded Mayor Stephen
“That Council acknowledge the unsuccessful notification of Council’s Expressions of Interest for the Remote Jobs and Communities Program 2013 -2018 – Torres Strait Islands.”
Carried

Min. 13/07/10 Moved Mayor Stephen, Seconded Cr. Ketchell
“That Council receive the report from the CEO.”
Carried

Adjournment: The meeting adjourned for Morning Tea at 10.16am and resumed at 10.44am

CORPORATE & COMMUNITY SERVICES

REPORT

Min. 13/07/11 Police-Community Consultative Meeting (File 1-30-22)
Moved Mayor Stephen, Seconded Cr. Ketchell
“That Council attend the Police-Community Consultative Meeting being held on Horn Island on Thursday, 25 July 2013 at 6pm.”
Carried

Min. 13/07/12 Update on Grant Applications (File 1-358-7)
Moved Mayor Stephen, Seconded Cr. Loban
“That Council acknowledge the two applications: CDF Application 1 - Torres Shire Indigenous Trade Centre and CDF Application 2 - Torres Indigenous Art, Culture and Learning Centre, lodged under the Community Development Fund as part of the Rural Jobs and Communities Program.”
Carried

CORPORATE & COMMUNITY SERVICES

REPORT

- Min. 13/07/13** **Regional Development Australia Fund Round (File 1-358-207)**
Moved Cr. Ketchell, Seconded Cr. Loban
“That Council lodge the application for Regional Development Australia Fund Round 5 by 22 July 2013 for \$295,135.”
Carried
- Min. 13/07/14** **Moved Mayor Stephen, Seconded Cr. Loban**
“That Council receive the report from the DCCS.”
Carried

ENGINEERING AND INFRASTRUCTURE SERVICES

REPORT

- Min. 13/07/15** **Major Infrastructure Program – Stage 5**
Moved Mayor Stephen, Seconded Cr. Ketchell
“That Council acknowledge the update provided for the Major Infrastructure Program 5 by Torres Strait Regional Authority and the funding of \$7,500,000 approved for the Wasaga Roads and Drainage Stage 2.”
Carried
- Min. 13/07/16** **Moved Mayor Stephen, Seconded Cr. Ketchell**
“That Council receive the report from the DEIS.”
Carried

PLANNING AND ENVIRONMENT

REPORT

- Attendance:** The Regulatory Manager attended the meeting at 12.25pm to present her report.
- Min. 13/07/17** **Authorised Officers (File 1-1-17)**
Moved Cr. Ketchell, Seconded Mayor Stephen
“That Council resolves to delegate to the Chief Executive Officer, the exercise of its powers under the following Acts and local law in the terms of the Instruments of Delegation for:
- *Neighbourhood Disputes (Dividing Fences and Trees) 2011*
 - *Plumbing and Drainage Act 2002*
 - *Public Health (Infection Control for Personal Appearance Services) Act 2003*
 - *Water Supply (Safety and Reliability) Act 2008*
 - *Council Cemeteries Local Law 2012*
 - *Waste Reduction and Recycling Act 2011*
- and that all prior resolutions delegating the powers under the Acts and local law referred to in resolution 1 to the Chief Executive Officer are repealed.”
Carried

LATE ITEM

Environmentally Relevant Activities (ERAs) devolve to State (File 3-20-7)

- Min. 13/07/18** **Moved Mayor Stephen, Seconded Cr Ketchell**
“That Council receive the report from the Regulatory Manager.”
Carried
- Departure:** The Regulatory Manager departed the meeting and the meeting adjourned for lunch at 1.40pm and resumed at 2.15pm

LATE ITEMS

Finance Report

deferred

2013 Torres Strait NAIDOC Awards

Min. 13/07/19 Moved Cr Loban, Seconded Cr Ketchell

"That Council acknowledge the Award Recipients, Indigenous Performers, Sponsors and the Event Management Team of the 2013 Torres Strait NAIDOC Awards."

Carried

Corporate Plan 2013- 2017

Draft Plan issued to Councillors

Disaster Management Group

Min 13/07/20 Moved Cr. Ketchell, Seconded Mayor Stephen

"That Council acknowledge the Minutes of the Torres Strait Local Disaster Group Meeting held on 22 April, 30 April and 1 May 2013."

Carried

Horn Island Affordable Housing Project Update

Min 13/07/21 Moved Cr. Loban, Seconded Cr. Ketchell

"That Council organise a meeting with Kaurareg as a matter of priority to engage with them and foster good faith for the HIAHP, instruct consultants to commence entering into discussion with stakeholders and approve the establishment and terms of reference of the proposed reference group."

Carried

IN COMMITTEE

Horn Island Sand and Quarry Lease

Correspondence - Kaurareg Aboriginal Land Trust Board

Tender 03/13 Drill and Blast – Horn Island Quarry

Legal Services - Local Buy Contract bus 207-0111 – Preston Law

Correspondence - John Takai

Report on unlawful development on Prince of Wales Island (File 4-1-7)

That Council discuss the above item 'In Committee' under the provisions of the Local Government Regulation 2012, 275 Closed meetings;

(1) A local government or committee may resolve that a meeting be closed to the public if its councillors or members consider it necessary to close the meeting to discuss—

(a) 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 it; 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 financial advantage.

IN COMMITTEE

Min. 13/07/22 Moved Cr. Ketchell, Seconded Cr. Loban
“That Council move in Committee.”

Carried

Min. 13/07/23 Moved Mayor Stephen, Seconded Cr. Loban
"That Council come out of Committee."

Carried

Horn Island Sand and Quarry Lease
Min. 13/07/24 Moved Cr. Loban, Seconded Cr. Ketchell

“That Council meet with the Kaurareg Aboriginal Land Trust to discuss the strategy forward for the Horn Island Quarry.”

Carried

Min. 13/07/25 **Correspondence Received from Kaurareg Aboriginal Land Trust Board**
Moved Mayor Stephen, Seconded Cr. Loban

"That Council note the correspondence dated 5th and 7th June 2013 received from Kaurareg Aboriginal Land Trust and the responses provided."

Carried

Min. 13/07/26 Tender 02-13 Horn Island Quarry - Drill and Blast Works
Moved Cr. Ketchell, Seconded Cr. Loban

“That Council accepts the Tender from Cardross Mining for the Tender 02–13 Horn Island Quarry Drill and Blast works to the value of \$210,000.00.”

Carried

Min. 13/07/27 Legal Services - Local Buy Contract bus 207-0111 - Preston Law
Moved Mayor Stephen. Seconded Cr. Ketchell

“That Council note the re-appointment of Preston Law to the State wide Local Buy Legal Services Panel. “

Carried

Correspondence – John Takai
Min. 13/07/28 Moved Cr. Loban, Seconded Cr. Ketchell

"That Council endorse the tabled response letter to John Takai at PO Box 557 Manunda, QLD 4870."

Carried

Min. 13/07/29 **Report on unlawful development on Prince of Wales Island (File 4-1-7)**
Moved Mavor Stephen. Seconded Cr. Loban

“That Council commence negotiations with the Kaurareg Aboriginal Land Corporation about the partly constructed house near Bluefish Point on Prince of Wales Island.”

Carried

DATE OF NEXT MEETING: Tuesday, 20 August 2013

CLOSURE: The meeting closed with a prayer by Mayor Stephen at 4.25pm

Confirmed this _____ day of _____

MAYOR