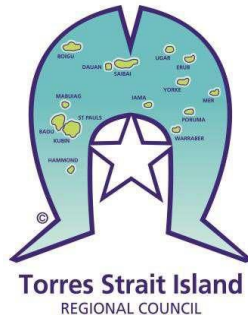




Culture, Arts, Land & Heritage (CALH) Committee Meeting | Agenda

Date: 11 January 2024
Time: 10.00am to 12.00nn
Venue: **TEAMS**

Time	Agenda Item
10.00am	1. Welcome Quorum Confirmation Opening Prayer
	2. Apologies
	3. Conflict of Interest (COI) - Declarable/Prescribed
	4. Ratified Minutes of Previous Meeting (15 March 2023) ➤ <i>For information/Reference</i>
	5. Action Items from Previous Meetings
	6. CORPORATE SERVICES: Community Radio
	7. MOVE INTO CLOSED BUSINESS
	8. CORPORATE SERVICES: Torres Strait Island Flag Policy <i>[Reason for closed discussion: This matter involves legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government]</i>
	9. MOVE OUT OF CLOSED BUSINESS
	10. CONSIDERATION OF MATTERS DISCUSSED IN CLOSED BUSINESS
	11. General / Other Business (on notice)
12.00nn	12. Closing Remarks & Prayer



CULTURE, ARTS, LAND & HERITAGE COMMITTEE MEETING 15 March 2023

MINUTES

Cr Aven S. Noah (Chairperson) opened the meeting at 10.15am, welcomed Cr Nona and TSIRC staff and offered a prayer to guide the Committee throughout its proceedings.

The Chairperson gave an acknowledgement of the Torres Strait Islander traditional custodians and their connection to Country within the Council's footprint and gave additional acknowledgement to past, present and emerging leaders.

A minute's silence was also observed to reflect.

The following attendances were confirmed:

TSIRC CALH Committee Members

Cr Aven S. Noah (Division 15 - Mer)	Chairperson
Cr Laurie Nona (Division 5 – Badu)	Committee Member

TSIRC OFFICERS

Executive Director Corporate Services	Ms Noeleen Selke
Senior Legal Officer	Ms Julia Mauro
TSIRC Secretariat	Mr Darryl Brooks

The Chairperson confirmed, therefore, that the required quorum of Members was present for the meeting to proceed.

The following apology was noted:

TSIRC CALH Committee

Cr Torenzo Elisala (Division 2 – Dauan)	Committee Member
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The Chairperson requested that attendees make any relevant conflict of interest declarations and advise if any relevant legal proceedings were current pertaining to Committee business to be considered at the meeting.

No such declarations were made.

1 CONFIRMATION OF PREVIOUS MINUTES

1.1 Ratified Minutes of the CALH Committee Meeting held on 25 February 2022.

The Committee noted the Ratified Minutes of the CALH Committee Meeting held on 25 February 2022.

Moved: Cr Aven S. Noah

Seconded: Cr Laurie Nona

Against: N/A

Carried Unanimously

2 ACTIONS ARISING FROM PREVIOUS MEETING

The Chairperson noted that as the Committee had not met since its 25 February 2022 meeting, it would be prudent to review the Minutes from that meeting to ascertain the current status of the issues under discussion at the time.

The following matters were reviewed:

- **Torres Strait Flag – Licensing and copyright issues**

Unauthorised and inappropriate usage of Torres Strait Flag imagery remains an ongoing issue. Of particular concern is its unauthorised use for commercial gain. A strong and robust flag licensing policy for Council endorsement needs to be developed as a priority and then policed by the TSIRC. The Committee requested that an opportunity be sought to engage with the law firm Terri Janke and Company in relation to Indigenous Cultural and Intellectual Property (ICIP) advice for the policy. Further follow-up with the TSIRC's Head of Community Services (former Executive responsible for the CALH Committee) should also be undertaken as a useful source of background information in relation to the development to date of the policy.

Action	Responsible Area	Status
1. A strong and robust flag licensing policy for Council endorsement needs to be developed (in consultation with the Namok Family) as a priority and then policed by the TSIRC.	Legal Services	
2. The Committee requested that an opportunity be sought to engage with the law firm Terri Janke and Company in relation to Indigenous Cultural and Intellectual Property (ICIP) advice for the policy. Further follow-up with the TSIRC's Head of Community Services (former Executive responsible for the CALH Committee) should also be undertaken as a useful source of background information in relation to the development to date of the policy.		

- **Visitor's Application Portal**

An interim review of the content of the Portal should be undertaken as soon as possible to ensure that information and officer contacts are current. A longer-term goal will be to update the Portal to align with an updated and TSIRC approved Trustee policy that addresses visitor permits.

Action	Responsible Area	Status
Secretariat to follow-up on reviewing the content of the Visitor's Application Portal.	Secretariat	

- **Firearms Licence – Legal**

The Committee noted that this issue was to be addressed in the development of an updated TSIRC Trustee Policy.

- **Cultural Heritage Act 2003 Review**

The Committee requested an update be provided at its 24 May 2023 meeting on the outcomes of recommendations made to the Review by the TSIRC.

Action	Responsible Area	Status
Update on the review of the <i>Aboriginal and Torres Strait Islander Cultural Heritage Act 2023</i> to be provided to the Committee's May 2023 meeting.	Legal Services	

- **Radio Licensing**

The Committee requested a briefing paper be prepared for it to recommend to Council a strategic approach to securing a more robust media and broadcasting policy for the Torres Strait Islands. Further follow-up with the TSIRC's Head of Community Services (former Executive responsible for the CALH Committee) should also be undertaken as a useful source of background information in relation to the development to date of the policy.

Action	Responsible Area	Status
<ol style="list-style-type: none"> 1. Legal Services to liaise with the TSIRC CEO and Head of Community Services regarding the development of a media and broadcasting policy. 2. Briefing paper to be prepared for the Committee to consider recommending a more robust broadcasting policy for the Torres Strait Islands. <p><i>Committee Chair recommends further discussion with Mr Jim Remedio and Mr Gilmore Johnston (Blackstar Radio), as well as TSIMA and the TSRA.</i></p>	Legal Services	

- **Identity – copyright and wearing of sacred costumes, dances, artefact, etc.**
Discussion on this issue at the last Committee meeting centred around the issue of inappropriate wearing of a headdress at a NRL post-match celebration. Further consideration is required by the Committee on the development of an appropriate policy.

Moved: Cr Aven S. Noah
Seconded: Cr Laurie Nona
Against: N/A

Carried Unanimously

3 EXECUTIVE DIRECTOR CORPORATE SERVICES REPORT

The Chairperson welcomed the Executive Director Corporate Services, Ms Noeleen Selke, to the Committee and indicated that he and fellow Committee Members looked forward to working with her into the future.

Ms Selke thanked the Chairman and Members for her welcome. She also expressed her enthusiasm to assist the Committee in its deliberations and to work to set in place processes to advance the important work of this portfolio.

The Committee noted the verbal report by the ED Corporate Services.

Moved: Cr Aven S. Noah
Seconded: Cr Laurie Nona
Against: N/A

Carried Unanimously

4 DEPUTATIONS

There were no deputations for this meeting.

5. CLOSED BUSINESS

In accordance with regulation 254J (3)(e) of the *Local Government Regulation 2012* (Qld) the Committee resolved to go into closed business to discuss Agenda Items 5.1 and 5.2.

Moved: Cr Laurie Nona
Seconded: Cr Aven S. Noah
Against: N/A

Carried Unanimously

Following discussion of the above matters, the Committee resolved to move out of closed business.

Moved: Cr Laurie Nona
Seconded: Cr Aven S. Noah
Against: N/A

Carried Unanimously

RESOLUTIONS ARISING FROM MATTERS DISCUSSED IN CLOSED BUSINESS:

5.1. November 2021 CLOSED BUSINESS Trustee Report – Visitor Entry onto DOGIT and COVID-19 Protocols

Ms Julia Mauro, Senior Legal Officer, spoke to this item and provided the Committee with an update on the status of a resolution arising from the November 2021 Trustee meeting regarding visitor entry onto DOGIT areas during the COVID-19 pandemic.

At the November 2021 meeting (and a subsequent Councillors' Workshop in November 2022) the Council recommended that the Queensland Government be approached to issue a notice for the TSIRC's local government area – either as a public health directive/remote area declaration with necessary statutory powers delegated to TSIRC – which would also accommodate Council's preference for each Divisional Councillor to have the clear power to regulate entry to their communities.

Ms Mauro further advised the Committee that the recommended changes to TSIRC's Local Laws (particularly Subordinate Local Law No. 7) proposed by TSIRC in this regard is now an outstanding action item.

The Committee noted Cr Elisala's previous request to streamline the community entry process.

Action	Responsible Area	Status
ED Corporate Services and Senior Legal Officer to follow-up further (particularly regarding required amendments to Subordinate Local Law No. 7) with the incoming Manager of Legal Services and resubmit to the Committee.	Legal Services	
Legal Services to advise on visitor entry onto DOGIT: Can Councillors delegate the community entry process to the PBC?	Legal Services	

Moved: Cr Aven S. Noah

Seconded: Cr Laurie Nona

Against: N/A

Carried Unanimously

5.2. Trustee Policy Review

The Committee recommended:

1. That SARG endorse a community consultation process for each TSIRC DOGIT community, with inter-agency stakeholder consultation (including each RNTBC), to confirm DOGIT decision-making processes, and update the Trustee Policy accordingly.
2. Further, that SARG recommend that Council hire an additional lawyer (contract special projects officer) in FY23/24 to run the home-ownership project.
3. That SARG record the following Action item: Legal Services to write a CEO letter to DSDSATSIP and DCDEH to propose a home-ownership working group (interdepartmental) roadshow to visit each TSIRC DOGIT community to deliver home-ownership information and confirm the community decision-making process for leases in each community.

Moved: Cr Laurie Nona
Seconded: Cr Aven S. Noah
Against: N/A

Carried Unanimously

Action	Responsible Area	Status
<p>The following recommendations be submitted for consideration at the next meeting of the Council's Strategic Advisory Reference Group:</p> <ol style="list-style-type: none">1. That SARG endorse a community consultation process for each TSIRC DOGIT community, with inter-agency stakeholder consultation (including each RNTBC), to confirm DOGIT decision-making processes, and update the Trustee Policy accordingly.2. Further, that SARG recommend that Council hire an additional lawyer (contract special projects officer) in FY23/24 to run the home-ownership project.3. That SARG record the following Action item: Legal Services to write a CEO letter to DSDSATSIP and DCDEH to propose a home-ownership working group (interdepartmental) roadshow to visit each TSIRC DOGIT community to deliver home-ownership information and confirm the community decision-making process for leases in each community.4. Apply CPI increase to all Trustee lease rent rates except for the community rate.	Legal Services	

6 BUSINESS ARISING/OTHER BUSINESS

No other business was discussed.

7 NEXT MEETING

The Committee noted that its next meeting will be held on 24 May 2023 by video conference.

The meeting closed at 12.25pm and Cr Laurie Nona closed the meeting with Prayer.



.....
Mr James William
Chief Executive Officer
Torres Strait Island Regional Council
Date: 13/9/2023



.....
Cr Phillemon Mosby
Mayor
Torres Strait Island Regional Council
Date: 13/9/2023

RATIFIED

	<p>Update on the review of the <i>Aboriginal and Torres Strait Islander Cultural Heritage Act 2023</i> to be provided to the Committee's May 2023 meeting.</p> <ul style="list-style-type: none"> • Radio Licensing <ol style="list-style-type: none"> 1. Legal Services to liaise with the TSIRC CEO and Head of Community Services regarding the development of a media and broadcasting policy. 2. Briefing paper to be prepared for the Committee to consider recommending a more robust broadcasting policy for the Torres Strait Islands. <p><i>Committee Chair recommends further discussion with Mr Jim Remedio and Mr Gilmore Johnston (Blackstar Radio), as well as TSIMA and the TSRA.</i></p>	Legal Services	<p>See Julia Mauro email to Committee members dated 29/3/23.</p> <p>Awaiting further advice from Committee.</p>
<p>AI 5.1</p> <p>November 2021 CLOSED BUSINESS Trustee Report – Visitor Entry onto DOGIT and COVID-19 Protocols</p>	<p>ED Corporate Services and Senior Legal Officer to follow-up further (particularly regarding required amendments to Subordinate Local Law No. 7) with the incoming Manager of Legal Services and resubmit to the Committee.</p> <p>Legal Services to advise on visitor entry onto DOGIT: Can Councillors delegate the community entry process to the PBC?</p>	Legal Services	

AI 5.2 Trustee Policy Review	<p>The following recommendations be submitted for consideration at the next meeting of the Council's Strategic Advisory Reference Group:</p> <ol style="list-style-type: none">1. That SARG endorse a community consultation process for each TSIRC DOGIT community, with inter-agency stakeholder consultation (including each RNTBC), to confirm DOGIT decision-making processes, and update the Trustee Policy accordingly.2. Further, that SARG recommend that Council hire an additional lawyer (contract special projects officer) in FY23/24 to run the home-ownership project.3. That SARG record the following Action item: Legal Services to write a CEO letter to DSDSATSIP and DCDEH to propose a home-ownership working group (interdepartmental) roadshow to visit each TSIRC DOGIT community to deliver home-ownership information and confirm the community decision-making process for leases in each community.4. Apply CPI increase to all Trustee lease rent rates except for the community rate.	Legal Services	SARG meeting of April 2023 elected to refer the matter solely for consideration within a Trustee meeting.
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From: Julia Mauro
Sent: Wednesday, 29 March 2023 3:58 PM
To: Secretariat; Cr. Aven Noah; Noeleen Selke; Cr. Laurie Nona; Cr. Torenzo Elisala
Cc: Darryl Brooks; Julie Marino; David Kempton
Subject: RE: Cultural, Arts, Land and Heritage Committee Meeting

Debe Kikem, Kapu Kut Councillors,

One of the action items from the CALH meeting on 15 March was for Legal to advise on the outcome of the review of the Cultural Heritage Acts.

The review has not yet been finalised. Further information about outcomes of the review and next steps is expected to be available later in 2023.

Here is a link to the current review: [Aboriginal and Torres Strait Islander cultural heritage - Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships \(dsdsatsip.qld.gov.au\)](https://www.dsdsatsip.qld.gov.au/resources/dsdsatsip/work/atsip/culture/review-cha/stakeholder-submissions-2021/31-torres-strait-islander-regional-council.pdf)

TSIRC's submission is published on the webpage:

<https://www.dsdsatsip.qld.gov.au/resources/dsdsatsip/work/atsip/culture/review-cha/stakeholder-submissions-2021/31-torres-strait-islander-regional-council.pdf>

I note that GBK also made a submission to the review:

<https://www.dsdsatsip.qld.gov.au/resources/dsdsatsip/work/atsip/culture/review-cha/stakeholder-submissions-2021/231-gur-a-baradharaw-kod-ts-sea-land-council-ti.pdf>

Review of the Cultural Heritage Acts

The department is finalising the review of the Cultural Heritage Acts, which is examining whether the legislation:

- is still operating as intended
- is achieving intended outcomes for Aboriginal and Torres Strait Islander peoples and other stakeholders in Queensland
- aligns with the Queensland Government's broader objective to reframe the relationship with Aboriginal and Torres Strait Islander peoples
- is consistent with the current native title landscape
- complies with contemporary drafting standards.

Consultation — 2021 options paper

The department released an [options paper \(PDF, 5.1 MB\)](#) [options paper \(DOCX, 1.2 MB\)](#) in December 2021, inviting feedback from Queenslanders on proposed changes to the Cultural Heritage Acts.

The proposals built on feedback from previous stages of the review and focused on three key areas:

1. Providing opportunities to improve cultural heritage protection, including through increased consultation with Aboriginal and Torres Strait Islander peoples
2. Reframing the definitions of 'Aboriginal party' and 'Torres Strait Islander party'
3. Promoting leadership by First Nations peoples in cultural heritage management and decision-making.

Consultation closed on 31 March 2022, with more than 430 responses received through written submissions and online surveys. The department would like to thank all those who provided feedback and contributed to the review.

The responses, together with recent national, state and territory developments, will guide and inform the next steps to make sure the Cultural Heritage Acts provide strong, effective protection for our state's rich cultural heritage and work well for the benefit of all Queenslanders. Further information about outcomes of the review and next steps is expected to be available later in 2023.

Regards,

Julia Mauro | Senior Legal Officer (P/T Tuesday - Wednesday)

Torres Strait Island Regional Council



Torres Strait Island
REGIONAL COUNCIL

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Find us on:   

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TORRES STRAIT ISLAND REGIONAL COUNCIL

CULTURAL, ARTS, LAND & HERITAGE COMMITTEE

MEETING

MEETING: January 2024

SUBJECT: Community Radio

AUTHOR: Gary Stevenson PSM – Acting Executive Director Corporate Services

Recommendation:

That Committee recommends to Council that:

1. The renewal of licenses update be noted,
2. The representations made to the Australian Communications and Media Authority be endorsed,
3. The Chief Executive Officer be authorised to facilitate an expression of interest process to identify a suitable service broadcaster and,
4. The Chief Executive Officer be requested to present expressions of interest to Council as soon as practicable after the 2024 local government election for consideration, with of a recommendation to Council to follow in April/May 2024.

Background:

TSIRC's community broadcasting services licences listed below were due to expire in 2022.

Licence Number	Licence Area	Callsign	Expiry Date
10200	SAIBAI ISLAND RA1 – 106.1 MHz	4ACR	4/10/2022
10185	BOIGU ISLAND RA1 – 106.1 MHz	4ACR	4/10/2022
10197	MURRAY ISLAND RA1 – 106.1 MHz	4ACR	4/10/2022
10188	DAUAN ISLAND RA1 – 105.7 MHz	4ACR	4/10/2022
10194	KUBIN RA1 – 105.9 MHz	4ACR	4/10/2022
10203	STEPHENS ISLAND RA1 – 105.9 MHz	4ACR	5/10/2022
10209	YORKE ISLANDS RA1 – 106.1 MHz	4ACR	4/10/2022

At its Ordinary meeting in March 2022, Council resolved to adopt recommendations of the Cultural, Arts, Land and Heritage Committee to:

1. Apply to the Australian Communications and Media Authority (ACMA) to renew Council's community broadcasting services licences that are expiring in 2022, including Saibai Island, Boigu Island, Murray Island, Dauan Island, Kubin (Moa Island), Stephens Island and Yorke Island; and
2. Delegate authority to the CEO pursuant to section 257 of the *Local Government Act 2009*, to apply to and liaise with the ACMA for the licence renewals.

Subsequently, application was made to ACMA and approval granted in August 2022, but ACMA noted that none of the services were operating.

ACMA also emphasised Council's "obligations to comply with the licence conditions applicable to community broadcasting services at Schedule 2 to the Broadcasting Services Act 1992 (BSA). As well as licence conditions prohibiting the broadcasting of advertisements for which the licensee receives any consideration in cash or in kind and limiting the amount of time that may be spent broadcasting sponsorship announcements, the condition at paragraph 9(2)(d) in Schedule 2 requires licensees to provide community broadcasting services for community purposes. The non-provision of the services for a lengthy period may potentially breach this licence condition."

ACMA also requested additional information as follows:

- "The proposed recommencement of broadcasting of the services, including how and when it will be achieved, and how much programming (e.g. number of hours per week) will be locally produced.
- The proposed partnership with Black Star, including how much programming will be provided or produced by Black Star."

ACMA also requested that Council please also submit a completed B12 application form for each service to enable the ACMA to issue a related apparatus licence.

The Torres Strait Islanders Media Association Inc (TSIMA) has licences in place for use of Council premises at:

1. Iama BRACS facility,
2. Poruma BRACS facility,
3. Warraber BRACS facility, and
4. St Pauls BRACS facility.

At the time Council was also aware of interest by Blackstar Media (in partnership with TSIMA) which made a presentation to Councillors at the November 2021 workshop.

At the May 2023 workshop another presentation was made by Lonestar Productions with interest in community radio broadcasting as part of a broad media and communications strategy. The Executive Director Community Services met with the principal of Lonestar Production Group in November 2023 and the Acting Executive Director Corporate Services held further discussion in late December 2023 to confirm the company's interest.

Officer's Comment:

Unfortunately, due to turnover of key officers, the fulfilment of the ACMA requirements lagged.

However, the apparatus licence applications were lodged with ASCMA on 27 December 2023 by the Acting Executive Director Corporate Services (under delegated authority of the CEO).

ACMA has responded on 5 January to acknowledge Council's submissions. The risk of license lapsing appears therefore to have been averted.

The representations made to ACMA included the following:

- "Council acknowledges the delays and discontinuity of its handling of community radio broadcasting arrangements but clearly prioritises the relevant communities' best interests in all of its deliberations.
- With that in mind Council hopes to ultimately achieve a broader set of goals relating to media and communication in these communities. The community radio service is just one element of the potential broader strategy.
- Earlier this year Council received a presentation by Lonestar Productions Group regarding extensive community engagement and the potential to develop a comprehensive media strategy for the Torres Strait Islands. Council is attracted to this strategic approach and intends to facilitate if possible.
- During January 2024 it is my intention to present a report to Council to lay out a process whereby the strategy can be developed and enabled, and community radio broadcasting can recommence. The process will involve the negotiation with, and engagement of a suitable local broadcaster.
- It is anticipated that broadcasting will commence with the maximum practicable local programming in mid-2024.
- The detail regarding the broadcasting will be defined and can then be provided as a product of this process, hence I am not in a position to respond specifically to some aspects of your questions at present."

Given that there may be a number of suitable broadcasters interested in securing a license to provide community radio services, it is recommended that Council conducts a process to identify the most suitable service provider by calling for Expressions of Interest during February and March with a view to presenting the expressions of interest to the Council as soon as practicable after the 2024 local government election.

The criteria for expressions of interest would address broader strategic objectives in addition to the community broadcasting services aligned to Council's Corporate Plan.

Submissions can then be considered and a recommendation be submitted to Council at the April or May 2024 Ordinary meeting.

It is anticipated that this would allow sufficient time for the newly appointed licensee to prepare for and commence broadcasting in mid-2024.

Consultation:

The Chief Executive Officer, the Executive Director Community Services and the Senior Legal Officer have been involved in discussions leading to this report.

The Mayor and the Chair of the Cultural Arts Land and Heritage Committee have been provided an advance copy of the report for their awareness.

Links to Strategic Plans:

TSIRC Corporate Plan 2020–2025

"4.1 Foster increased community consultation opportunities for direct and indirect Council services or programs.

- *Refresh Council's community engagement strategy via the Youmpla Voice program, focusing on clear consultation models and identified sectors of community.*
- *Utilise linguists and graphic specialists to ensure greater access to Council content.*

4.2 Evolve Council's communication channels and community's access to information.

- *Launch Council's digital enablement program, evolving online and enabling physical access points.*
- *Work with key agencies and partners to establish regular community information materials and updates."*

Statutory Requirements:

Disposal of interest in land (lease/license) requirements of the *Local Government Act 2009* and *Local Government Regulation 2012* may apply to the recommended path.

Conclusion:

It is recommended that Committee recommends to Council that:

1. The renewal of licenses update be noted,
2. The representations made to the Australian Communications and Media Authority be endorsed,
3. The Chief Executive Officer be authorised to facilitate an expression of interest process to identify a suitable service broadcaster and,
4. The Chief Executive Officer be requested to present expressions of interest to Council as soon as practicable after the 2024 local government election for consideration, followed by a recommendation to Council in April/May 2024.

Recommended/Approved:


Gary Stevenson PSM
Acting Executive Director Corporate Services