



Trustee Meeting

Agenda

Date:	19 September 2023
Time:	9.00am
Venue:	Evelyn Tiati Memorial Hall, Saibai Island, Torres Strait

Agenda

TSIRC **Trustee** Meeting – 19 September 2023

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8.45am ***Official Declaration of Division 5 Councillor will take place prior to the commencement of the meeting.***

Time	Agenda
9.00am	1. Welcome & Quorum Confirmation
9.05am	2. Opening Prayer
9.15am	3. Apologies
9.20am	4. Conflict of Interest (COI) - Declarable/Prescribed
9.25am	5. Previous Minutes (30 August 2023)
9.35am	6. Action Items from Previous Meetings
9.40am	7. (SAI*) - CORPORATE SERVICES: DOGIT Update
9.45am	8. MOVE INTO CLOSED BUSINESS <i>Mayor to call for meeting to proceed into Closed Business</i>
	9. CORPORATE SERVICES: CEQ Leases
	10. MOVE OUT OF CLOSED BUSINESS <i>Mayor to call for meeting to move out of Closed Business</i>
10.10am	11. CONSIDERATION OF MATTERS DISCUSSED IN CLOSED BUSINESS
10.15am	12. BUSINESS ARISING
10.20am	13. Next Meeting: 24 October 2023 (VC)
10.25am	14. Closing Remarks & Prayer

* Standing Agenda Item (SAI)



Draft Minutes

TRUSTEE COUNCIL MEETING

30 August 2023

PRESENT:

Cr Phillemon Mosby, Mayor
Cr Dimas Toby, Division 1 – Boigu (joined the meeting at 9.30am)
Cr Torenzo Elisala, Division 2 – Dauan
Cr Conwell Tabuai, Division 3 – Saibai
Cr Keith Fell, Division 4 - Mabuiag
Cr Lama Trinkoon, Division 6 – Arkai (by telephone dial-in)
Cr John Levi, Division 7 – Wug (St. Pauls) (joined the meeting at 9.15am)
Cr Seriako Dorante, Division 8 – Kirirri (Hammond)
Cr Kabay Tamu, Division 10 – Warraber
Cr Francis Pearson, Division 11 – Poruma
Cr Hilda Mosby, Division 12 – Masig (joined meeting at 9.15am)
Cr Rocky Stephen, Division 13 – Ugar
Division 15 – Mer - *was not represented*

OFFICERS:

Mr James William, Chief Executive Officer
Ms Hollie Faithfull, Executive Director Financial Services
Mr Wayne Green, Executive Director Building Services
Mr Dawson Sailor, Head of Community Services
Mr Martin Leech, Acting Executive Director Corporate Services
Mr Adeah Kabai, Manager Capital Works
Mr Julian Bodenmann, Preston Law (TSIRC Legal Advisor)
Ms Julie Marino, Senior Executive Assistant, Executive Office
Ms Trudy Lui, Executive Assistant to the Mayor
Mr Darryl Brooks, Secretariat Officer

APOLOGIES:

Cr Getano Lui (Jnr) AM, Division 9 – Iama (Deputy Mayor)
Cr Jimmy Gela, Division 14 – Erub

OBSERVER:

Ms Sharon Russell, Executive Support Co-ordinator, Corporate Affairs

1. Welcome

At 9.00am the Mayor completed a roll call of Councillors to establish a Quorum for the Trustee Meeting to commence. A Quorum was achieved and the Mayor formally opened the Trustee Meeting for August 2023 at 9.10am.

- *Cr Keith Fell made a request to the Mayor for a closed session for Councillors only before the commencement of the meeting. The Mayor requested Cr Fell to provide him separately a formal request outlining the reasons for a closed session and the matter will be considered.*

The Mayor made the following acknowledgements:

- Our Heavenly Father for his awesome wisdom, knowledge, understanding, favour and blessings for our lives; upon our leadership, our Council and for our people right across the length and breadth of Zenadth Kes;
- Acknowledgements of Traditional Owners throughout Zenadth Kes and the communities and constituents that Council serves;
- All Elders with us, past, present and emerging.

The Mayor also acknowledged those members of the community who are experiencing Sorry Business and extended to them the thoughts and prayers of Council at this time.

2. Opening Prayer

Cr John Pearson delivered the opening prayer and a minute of silence was observed by Council for reflection and to honour those who have recently passed.

3. Attendance

Noted at Agenda Item 1.

4. Apologies

The following apologies were noted:

- Cr Getano Lui (Jnr) AM, Division 9 -Iama (Sorry Business)
- Cr Jimmy Gela, Division 14 - Erub (native title commitments as Erub PBC Chair)

RESOLUTION

Moved: Cr Torenzo Elisala; Second: Cr Lama Trinkoon

That the Trustee accepts the apology for Cr Getano Lui (Jnr) AM for the August 2023 Trustee Meeting.
MOTION CARRIED UNANIMOUSLY

RESOLUTION

Moved: Cr Francis Pearson; Second: Cr Rocky Stephen

That the Trustee accepts the apology for Cr Jimmy Gela for the August 2023 Trustee Meeting.

MOTION CARRIED UNANIMOUSLY

- *The Trustee also noted and accepted the attendance of Cr Lama Trinkoon by telephone dial-in.*

5. Conflict of Interest (COI) - Declarable/Prescribed

Mayor Mosby requested that members make any relevant conflict of interest declarations and advise if any relevant legal proceedings were current pertaining to Trustee business to be considered at the meeting. No such declarations were made.

- *Cr Keith Fell made a second request to the Mayor for a closed session for Councillors only. The Mayor advised that he is considering the request provided legal advice is present during discussion.*

6. Previous Minutes (18 July 2023)

RESOLUTION

Moved: Cr Lama Trinkoon; Second: Cr Francis Pearson

That the Trustee resolves to accept the minutes of the Trustee Meeting held on 18 July 2023 to be a true and accurate account of that meeting.

MOTION CARRIED UNANIMOUSLY

7. Action Items from Previous Meetings

The Chief Executive Officer provided Council with a verbal update on the status of Action Items arising from the previous meeting and outstanding action items from previous meetings.

ACTION: Trustee to consider sending a deputation to Brisbane to raise directly with the Premier and relevant Ministers the concerns of the Trustee in relation to DOGIT matters in the Torres Strait, including consideration on calling for a judicial review.

ACTION: November 2023 Workshop to examine in detail the TSIRC's Trustee Policy, including particular focus on 'Power of Veto' policy.

- *Cr John Levi declared a Conflict of Interest in relation to Agenda Item 8, stating that Ms Susannah Sailor is his sister. Cr Levi temporarily left the meeting at 10.55am.*

8. CORPORATE SERVICES: St Pauls Lodge

RESOLUTION

Moved: Cr Torenzo Elisala; Second: Cr Lama Trinkoon

The Trustee resolves to:

- **Consent to Susannah Sailor (sole trader) to sub-licence the St Pauls Lodge "Licence to Operate" to allow the St Pauls Lodge to be operated by Ms Sailor's new company, St Pauls Lodge Pty Ltd (ACN 651 283 706), from 1 July 2021;**
- **Grant Ms Sailor an extension of time to 13 August 2024 to satisfy the native title special condition and the requirement to register a lease over the premises (Lot 176 on SP256048); and**
- **Delegate to the Mayor and the Chief Executive Officer each the power to execute documentation to effect the extension of time for the native title special condition.**

MOTION CARRIED UNANIMOUSLY

- *Cr John Levi rejoined the meeting at 11.00am following the conclusion of*

discussion/resolution on this agenda item.

9. CORPORATE SERVICES: Department of Education Lease - Poruma

RESOLUTION

Moved: Cr Francis Pearson; Second: Cr Seriako Dorante

That the Trustee resolve, pursuant to the *Torres Strait Islander Land Act 1991* (Qld), to grant the State of Queensland represented by the Department of Education an extension to 18 September 2024 (a further 12-month extension) of the date for the satisfaction of the native title requirements in relation to the proposed lease of Poruma Lot 50 on SP270862, and delegate to the Chief Executive Officer the power to negotiate the terms of the Deed of Variation and lease, sign and discharge the Deed of Variation and lease.

MOTION CARRIED UNANIMOUSLY

10. CORPORATE SERVICES: CEQ Leases (late paper)

The Trustee noted advice from the Acting Executive Director Corporate Services that this agenda item briefing could not be finalized in time for this meeting and would be deferred to the September 2023 Trustee Meeting.

11. Business Arising

- DOGIT/Land Matters

Cr Seriako Dorante requested that Councillors receive clear legal advice to assist Councillors when addressing DOGIT/land matters and for informing community on such issues.

- Standing Agenda Item (Cr Rocky Stephen)

Cr Rocky Stephen requested that 'DOGIT Issues' to be a Standing Agenda Item for each Trustee Meeting.

ACTION: Mayor Mosby to speak to Cr Torenzo Elisala out of session to clarify several issues in relation to divestment policy and other matters for feedback to community.

12. Next Meeting: 19 September 2023 (Saibai)

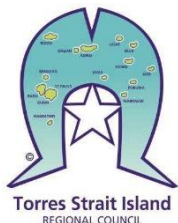
13. Closing Remarks & Prayer

The Mayor thanked Councillors, Chief Executive Officer, Executive and Administration Staff (including Julian Bodenmann for legal support) for their contributions to the Trustee Meeting and closed the August 2023 Trustee Meeting at 10.15am, noting that Council will reconvene at 10.30am to commence Ordinary Council Meeting business.

➤ *All officers were then requested to leave the meeting to enable Council to move into a closed session for Councillors only.*

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Mr James William
Chief Executive Officer
Torres Strait Island Regional Council
Date:

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Cr Phillemon Mosby
Mayor
Torres Strait Island Regional Council
Date:



TRUSTEE MEETING

ACTION ITEMS

Actions Arising from August 2023 Meeting

Agenda Item	Action	Action Area	Current Status
Aug 2023 Mtg AI 7 Action Items from Previous Meetings	<p><u>ACTION:</u> Trustee to consider sending a deputation to Brisbane to raise directly with the Premier and relevant Ministers the concerns of the Trustee in relation to DOGIT matters in the Torres Strait, including consideration on calling for a judicial review.</p> <p><u>ACTION:</u> November 2023 Workshop to examine in detail the TSIRC's Trustee Policy, including particular focus on 'Power of Veto' policy.</p>	Councillors / Secretariat	
Aug 2023 Mtg AI 11 Business Arising	<p>DOGIT/Land Matters</p> <p><u>ACTION:</u> Mayor Mosby to speak to Cr Torenzo Elisala out of session to clarify several issues in relation to divestment policy and other matters for feedback to community.</p>	Mayor	

OUTSTANDING ACTIONS FROM PREVIOUS MEETINGS (updated at August 2023 Trustee Meeting)			
Agenda Item	Action	Action Area	Current Status
May 2023 AI 7B	Power of Veto Acting Executive Director Corporate Services to prepare a briefing paper on Power of Veto matters for consideration at an upcoming meeting of the Culture, Arts, Land and Heritage Committee.	Acting Executive Director Corporate Services	In progress. No update at present. Power of Veto exists in two forms: <ul style="list-style-type: none"> • by Local Government as Trustee over DOGIT; and • by Native Title holders Very complicated processes. To be considered in detail at the November 2023 Council Workshop.
May 2023 AI 8	St Paul's Lots 46 and 152 – Consent to development application Chief Executive Officer to write to CEQ to clarify that the granting of this consent to development application should not be regarded by CEQ as ongoing acceptance by the Council of the terms and conditions under the existing current leasing arrangements.	Senior Legal Officer, Corporate Services	Completed.
May 2023 AI 12	Business Arising (Status of Ugar and Saibai re DOGIT) Further information to be provided to Minister Scott Stewart by Chief Executive Officer on TSIRC's stand on DOGIT and lessons learned.	Chief Executive Officer	In progress. The Department remains steadfast to maintaining the status quo. Letter to Premier to be prepared to urge the Department to stop the urgency and consider the unintended consequences impacting on the community. Cr Rocky Stephen advised that this matter has been ongoing for far too long and requested that priority be given to putting concerns to the Minister in writing as soon as possible.

			<p>The prime principle of importance is that TSIRC holds DOGIT in trust on behalf of the 'common' (the entire Community), whereas PBCs represent only native title holders (land holders).</p> <p>At this stage, it would appear that there can be no administrative solution without a political solution.</p>
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