

Minutes

TORRES STRAIT ISLAND REGIONAL COUNCIL

March 2022

TRUSTEE MEETING

Tuesday, 22nd March 2022

Video Conference

TRUSTEE MEETING

Tuesday 22nd March 2022

PRESENT

Cr Phillemon Mosby, Mayor
Cr Dimas Toby, Division 1 – Boigu
Cr Keith Fell, Division 4 – Mabuiag
Cr Laurie Nona, Division 5 – Badu
Cr Lama Trinkoon, Division 6 – Kubin (Arkai), Mua Island
Cr John Levi, Division 7 – Wug (St Pauls), Mua Island
Cr Seriako Dorante, Division 8 – Kirriri (Hammond)
Cr Getano Lui Jnr, Division 9 – Iama (Yam)
Cr Kabay Tamu, Division 10 – Warraber (Sue)
Cr Francis Pearson, Division 11 – Poruma (Coconut)
Cr Hilda Mosby, Division 12 – Masig (Yorke)
Cr Rocky Stephen, Division 13 – Ugar (Stephen)
Cr Jimmy Gela, Division 14 – Erub (Darnley)
Cr Aven Noah, Division 15 – Mer (Murray)

STAFF:

Mr James William, Chief Executive Officer (CEO)
Ms Hollie Faithfull, Executive Director, Financial Services (EDFS)
Mr David Baldwin, Executive Director, Engineering Services (EDES)
Ms Megan Barrett, Executive Director, Corporate Services (EDCS)
Mr Peter Krebs, Manager Legal Services (MLS)
Mrs Ursula Nai, Senior Executive Assistant to the CEO (SEA)
Mr Jacob Matysek, Executive Assistant to the Mayor (EA)
Ms May Mosby, Acting Secretariat Officer (ASO)

Note: Mr Dawson Sailor, Acting Executive Director, Community and Building Services (AEDCBS) – to dial in later in the day

9:05am - 9:10am **Opening Prayer and Welcome**

Mayor Mosby established a quorum and opened the meeting with a welcome and acknowledged and paid respects to the following:

- Our Heavenly father for his awesome wisdom, knowledge and understanding upon our lives and his blessings upon our families, this organisation and our region of Zenadth Kes
- Traditional Owners of this land we are dialling in from
- All Elders, past, present, and emerging
- Executive Team

Mayor Mosby opened the meeting in a word of prayer.

One minute's silence was observed.

Mayor Mosby provided a quick update to Council before calling in the Member for Leichardt, regarding the upcoming Federal elections and to allow candidates in the upcoming elections to come and deputise with Council to let us know what is going to happen and which party comes into government.

Mayor Mosby acknowledged and thanked the elected Divisional Councillors for their continuing leadership and presence in the community and maintaining stability in the organisation and most importantly across the region. Mayor also acknowledged and welcomed newly appointed CEO, Mr James William to his first Council meeting.

9:10am – 10-10am **Deputation 1 | Hon Warren Entsch MP – Member for Leichardt**

Mayor Mosby welcomed Hon Warren Entsch MP to speak with full Council. Hon Warren Entsch MP, Mayor Mosby and Councillors had an in-depth conversation on matters relating to the Torres Strait.

9:15am – Cr John Levi joined the meeting.

9:30am – Cr Dimas Toby joined the meeting.

9:45am – Cr Hilda Mosby joined the meeting.

Mayor Mosby thanked Hon Warren Entsch MP and wished him all the best.

10:02am – Cr Tamu left the meeting

10:06am – Cr Tamu re-joined the meeting

MORNING TEA 10:10 – 10:38AM

TRUSTEE MEETING
Tuesday, 22nd March 2022
Agenda Items

1. 10:38am - 10:47am Welcome

Mayor Mosby established a quorum and reconvened the Trustee meeting.

Mayor introduced the newly appointed Chief Executive Officer, Mr James William and invited Mr William to formally introduce himself to full council.

Mayor invited Deputy Mayor, Cr Getano Lui to say a few words on behalf of Council to Mr James William, Chief Executive Officer.

10:44am – Mr Dawson Sailor joined the meeting.

2. 10:47am – 10:48am Apologies

No apologies noted.

3. 10:48am - 10:52am Declaration of Conflict of Interest (COI) Declarable and Prescribed

Cr Hilda Mosby declared a Declarable Conflict of Interest in Trustee Meeting Agenda Item 9 LEGAL – Masig Lot 29 – consent to development application as the late Mrs Matilda Gela and late Mrs Dorothy Lowatta is her Aunty and father’s cousins and therefore are related parties under s150EP. The late Mrs Matilda Gela and late Mrs Dorothy Lowatta are the applicants in this matter and Cr Hilda Mosby declared an interest under s150EQ(4).

Cr Hilda Mosby proposed to leave and stay away from the place where the meeting is being held while this matter is discussed and voted on.

Cr Jimmy Gela declared a Declarable Conflict of Interest in Trustee Meeting Agenda Item 9 LEGAL – Masig Lot 29 – consent to development application as the late Mrs Matilda Gela is a close relative and therefore are related parties under s150EP. The late Mrs Matilda Gela is the applicant in this matter and Cr Jimmy Gela declared an interest under s150EQ(4).

Cr Jimmy Gela proposed to leave and stay away from the place where the meeting is being held while this matter is discussed and voted on.

4. 10:52am – 10:55am Confirmation of Trustee Meeting Minutes

- Trustee Meeting – 15th February 2022

RESOLUTION:

Moved: Cr Kabay Tamu; Second: Cr John Levi

That the Trustee accepts the minutes of the Trustee meeting held on 15th February 2022 as a true and accurate account of that meeting.

MOTION CARRIED UNANIMOUS

5. 10:55am – 10:58am Outstanding Action Items

Mr Peter Krebs, Manager Legal Services provided the Trustee on the outstanding Action Items from February’s 2022 Trustee meeting.

6. **10:58am – 11:12am** **Standing Agenda Item: (verbal update)**
- Undocumented commercial land occupation project – verbal update
 - DOGIT Transfers – Verbal Update

Mr Peter Krebs, Manager, Legal Services provided the Trustee with a verbal update on IBIS leases. IBIS has requested a deputation with Full Council which is proposed for the next face to face Council Meeting.

ACTION: **Manager Legal Services to draft a letter to the Minister on behalf of Mayor Mosby regarding the Trustee’s concern of IBIS position on negotiating leases with TSIRC.**

Mr Peter Krebs, Manager Legal Services advised the Trustee he has received no further updates or progress on DOGIT transfers. Mr Peter Krebs advised that TSRA would be transferring Native Title services to GBK from 1st July 2022.

Cr Rocky Stephen enquired on the status of the letter sent to the Ministers office on Land Transfers and if TSIRC had secured any funding to host a lessons Learnt meeting. Mr Peter Krebs, Manager Legal Service advised Council has received a response from the Minister on the 17th March 2022 and with permission from Mayor Mosby read the letter to Council.

ACTION: **Manager Legal Service to liaise with the Secretariat to add DOGIT Transfer as an agenda topic at the next SARG meeting.**

7. **11:12am – 11:27am** **LEGAL – The effect of Native Title on DOGIT**

Mr Peter Krebs, Manager Legal Services spoke to this report. The report provided information on the effects of native title on DOGIT and the impacts of native title on the operations of DOGIT.

RESOLUTION:

Moved: Cr Aven Noah; Second: Cr Francis Pearson

The Trustee resolves to note the report.

MOTION CARRIED UNANIMOUS

11:20am – Mr David Baldwin left the meeting

11:25am – Mr David Baldwin re-joined the meeting

8. **11:27am – 11:43am** **LEGAL – Firearms Licence – Landowner consent**

Cr Jimmy Gela declared a Declarable Conflict of Interest in Trustee Meeting Agenda Item 8 LEGAL – Firearms Licence – Landowner consent as Richard Gela is his nephew and therefore are related parties under s150EP. Mr Richard Gela is the applicant in this matter and Cr Jimmy Gela declared an interest under s150EQ(4).

Cr Jimmy Gela proposed to leave and stay away from the place where the meeting is being held while this matter is discussed and voted on.

11:29am – Cr Jimmy Gela left the meeting due to his Declarable Conflict of Interest.

Mr Peter Krebs, Manager Legal Services spoke to this report. The purpose of the report is to provide options in giving landowners consent on the DOGIT regarding applications for firearms licences.

RESOLUTION:

Moved: Cr Aven Noah; Second: Cr Seriako Dorante

That the Trustee resolves that landowner consent for firearms licence application under the Weapons Act 1990 be approved by the Trustee by:

- Referring all landowner consent to Trustee meeting of council for approval with the Divisional Councillor having the right of veto.

- Maintaining a register of all landowner consent applications approved.
- Amending Council's Trustee Policy to incorporate the changes above.
- Granting landowner consent for Richard Gela.

MOTION CARRIED

AGAINST – Cr Lama Trinkoon, Cr Getano Lui, Cr John Levi, Cr Hilda Mosby and Cr Rocky Stephen

11:43am – Cr Hilda Mosby left the meeting due to her Declarable Conflict of Interest.

11:43am – Cr Jimmy Gela left the meeting due to his Declarable Conflict of Interest.

9. 11:43am – 11:53am LEGAL – Masig Lot 29 – consent to development application

Mr Peter Krebs, Manager Legal Services spoke to this report.

RESOLUTION:

Move: Cr Torenzo Elisala; Second: Cr Francis Pearson

1. That the Trustee grant owner's consent to the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships in support of a development application for a Reconfiguration of Lot (1 into 2 Lots) over Lot 29 on SP277431 (29 & 46 Lowatta Road, Masig Island), on behalf of Anna Ruth Kris, Bethelia Nai, Lily Elma Lena Gela, Margaret Tubau Stephen, Robert Gela, Christina Moira Gela and Leonard Francis Gela (the beneficiaries of Land Holding Act Lease No. 715653392) and Paul Lowatta (lease entitlement holder); and

2. Authorise the Chief Executive Officer to sign the owner's consent form and, subject to local government approval, the resulting survey plans.

MOTION CARRIED UNANIMOUS

10. 11:53am – 12:10pm LEGAL – Telstra request to transfer lease interests to Amplitel

Mr Peter Krebs, Manager Legal Services spoke to this report and in-depth conversation was held on Telstra's request to transfer or licence its various leases on Council-held DOGIT land to its new subsidiary, Amplitel Pty Ltd.

Under the terms of the leases, the Trustee cannot unreasonably refuse consent to Telstra's request. Amplitel intends to use the leased premises for the same purposes as Telstra currently uses those premises. The terms of the leases will not change, other than that Amplitel will become the tenant or licensee (as appropriate) under the leases.

ACTION: Manager Legal Services to liaise with the Secretariat to add this as an agenda topic for SARG for further discussions before it goes to Culture, Arts, Land and Heritage Committee to investigate further around any possible risk factor.

MATTER LEFT LAYING ON THE TABLE

11. 12:10pm – 12:10pm Next Trustee meeting – Wednesday, 20th April 2022

Mayor Mosby confirmed the next Trustee Meeting date as Wednesday 20th April 2022

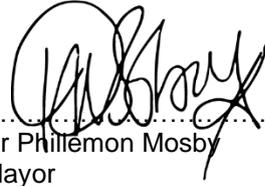
12. 12:10pm – 12:11pm Closing Remarks and Prayer

Mayor Mosby acknowledged the Secretariat Team and Manager Legal Services, Mr Peter Krebs, and declared the Trustee Meeting closed.

MEETING CLOSED 12:11PM



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Mr James William
Chief Executive Officer
Torres Strait Island Regional Council
Date: 20th April 2022



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Cr Phillimon Mosby
Mayor
Torres Strait Island Regional Council
Date: 20th April 2022