



Trustee Council Meeting

Agenda

Date: 16 November 2023
Time: 9.00am
Venue: Calvary Christian Church
Level 1, Auditorium 3
108 Grafton Street, Cairns

Agenda

TSIRC **Trustee** Meeting – 16 November 2023

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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. Confirmation of Trustee Council Meeting Minutes - 24 October 2023
9.35am	6. Action Items from Previous Meetings
9.40am	7. CORPORATE SERVICES: Helipad Development – Department of Home Affairs
9.45am	8. MOVE INTO CLOSED BUSINESS
	9. (STANDING AGENDA ITEM) - CORPORATE SERVICES: DOGIT Update (verbal update) <i>[Reason for closed discussion: To allow the Trustee Council to discuss business for which public discussion would be likely to prejudice the interests of the Trustee Council or someone else]</i>
	10. MOVE OUT OF CLOSED BUSINESS
10.10am	11. CONSIDERATION OF MATTERS DISCUSSED IN CLOSED BUSINESS
10.15am	12. BUSINESS ARISING
10.20am	13. Next Meeting: 12 December 2023 (VC) - TBC
10.25am	14. Closing Remarks & Prayer



Draft Minutes
TRUSTEE COUNCIL MEETING
24 October 2023



PRESENT:

Mayor

Division 1 - Boigu
Division 2 – Dauan
Division 3 – Saibai
Division 4 – Mabuig
Division 5 – Badu
Division 6 – Arkai
Division 7 – Wug (St Pauls)
Division 9 – Iama
Division 10 – Warraber
Division 11 – Poruma
Division 12 – Masig
Division 14 - Erub
Division 15 – Mer

Cr Phillemon Mosby
Cr Dimas Toby
Cr Torengo Elisala
Cr Conwell Tabuai
Cr Keith Fell
Cr Ranetta Wosomo
Cr Lama Trinkoon
Cr John Levi
Cr Getano Lui (Jnr) AM – **Deputy Mayor**
Cr Kabay Tamu
Cr Francis Pearson
Cr Hilda Mosby
Cr Jimmy Gela
not represented

OFFICERS:

Chief Executive Officer	Mr James William
Executive Director Building Services	Mr Wayne Green
Executive Director Community Services	Mr Dawson Sailor
Acting Executive Director Corporate Services	Mr Gary Stevenson PSM
Executive Director Engineering Services	Mr David Baldwin
Executive Director Financial Services	Ms Hollie Faithfull
TSIRC Legal Advisor (Preston Law)	Mr Julian Bodenmann
Executive Support Coordinator	Ms Sharon Russell
Executive Assistant to the Mayor	Ms Trudi Lui
Secretariat Officer	Mr Darryl Brooks

APOLOGIES:

Division 8 – Kirirri (Hammond)	Cr Seriako Dorante
Division 13 – Ugar	Cr Rocky Stephen

1. Welcome & Quorum Confirmation

At 9.05am the Mayor completed a roll call of Councillors. A quorum for the October 2023 Trustee Council Meeting was noted and the Mayor formally opened the meeting by making 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 Ranetta Wosomo delivered the opening prayer and a minute of silence was observed by those present for reflection and remembrance of those who have recently passed.

3. Apologies

The following apologies were noted:

Division 8 – Kirirri (Hammond) Cr Seriako Dorante
Division 13 – Ugar Cr Rocky Stephen

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

Mayor Mosby requested that members make any relevant conflict of interest declarations and to also advise if they were currently involved in any legal proceedings which pertain to Trustee business to be considered at the meeting.

No declarations were made.

5. Confirmation of Previous Minutes (19 September 2023)

RESOLUTION

Moved: Cr Lama Trinkoon

Second: Cr Jimmy Gela

That the Trustee accepts the minutes of the Trustee Meeting held on 19 September 2023 to be a true and accurate account of that meeting.

CARRIED UNANIMOUSLY

6. Action Items from Previous Meetings

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

The Trustee Council requested that priority be given to conducting face-to-face meetings with those communities impacted by unsafe buildings, such as the Church on Saibai Island, particularly in the lead up to the Festive Season when these dwellings are in high demand. It is important that communities are

provided advice by the professionals who are involved with addressing the issues, including whether or not interim safety measures can be put in place in some cases.

The Chief Executive Officer stressed to the Trustee Council that rectification works on these unsafe buildings will always be a staged process as these facilities were constructed before the introduction of Building Regulations and Codes and will need to be rigorously assessed by experts before any work can be done. In some cases, some buildings are also Heritage Listed and this involves an entirely different process to be followed for any repairs or modifications can be done.

The Executive Director Building Services advised that he will be travelling to Saibai next week with Qbuild Engineers to undertake relevant assessments. He will also discuss arrangements further with Cr Tabuai out of session in relation to the Saibai Island Church.

7. CORPORATE SERVICES: Trustee Policy Review

RESOLUTION

Moved: Cr Torenzo Elisala

Second: Cr Jimmy Gela

That the Trustee endorse the draft Trustee Policy, as presented, for community consultation, and delegate to the Chief Executive Officer the power to develop and carry out a community and stakeholder consultation process on the draft Trustee Policy considered at this meeting.

CARRIED UNANIMOUSLY

ACTION:

The draft Trustee Policy to also address the following two issues:

- Conflict of Interest issues for Councillors who are also members of PBC and GBK structures; and
- Mining issues.

➤ *Trustee Council meeting adjourned for short break from 10.30am to 10.40am.*

➤ *Mayor undertook a roll call and a quorum was noted.*

8. MOVE INTO CLOSED BUSINESS

RESOLUTION

Moved: Cr Hilda Mosby

Second: Cr Keith Fell

That the Trustee resolve to close the meeting to the public pursuant to section 84 of the *Local Government Act 2009* to allow the Trustee Council to discuss business for which public discussion would be likely to prejudice the interests of the Trustee Council.

CARRIED UNANIMOUSLY

9. MOVE OUT OF CLOSED BUSINESS

RESOLUTION

Moved: Cr John Levi

Second: Cr Conwell Tabuai

That the Trustee resolve to move out of closed business and resume in open business.

CARRIED UNANIMOUSLY

10. CONSIDERATION OF MATTERS DISCUSSED IN CLOSED BUSINESS

9 (SAI*) CORPORATE SERVICES: DOGIT Update (verbal update)

The Trustee Council noted the verbal update on DOGIT matters provided by the Chief Executive Officer and made the following resolution in relation to a DOGIT Transfer Policy:

DOGIT Transfer Policy

RESOLUTION

Moved: *Cr Francis Pearson*

Second: Cr Torenzo Elisala

That Council resolves to consider the terms of a draft policy in relation to DOGIT Transfer at a later Trustee meeting.

CARRIED UNANIMOUSLY

12. BUSINESS ARISING

Nil.

13. Next Meeting: 16 November 2023 (Cairns)

Noted by Council.

14. Closing Remarks & Prayer

The Mayor formally closed the Trustee Council meeting at 11.20am.

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

.....
Cr Phillemon Mosby
Mayor
Torres Strait Island Regional Council
Date:



TRUSTEE MEETING

ACTION ITEMS

Actions Arising from October 2023 Meeting / Outstanding Actions from Previous Meetings

Agenda Item	Action	Action Area	Current Status
Sept 2023 Mtg AI 6 Action Items from Previous Meetings	1. Invite DOGIT Qld Govt. minister/department to November 2023 Council Workshop.	Chief Executive Officer	The invitation sent to the Minister was responded to by the Department instead. TSIRC is now seeking the assistance of the Member for Cook to encourage the attendance of the Minister to the November 2023 Council Workshop.
Sept 2023 Mtg AI 8 (CB) CEQ Leases	Chief Executive Officer to consider inviting the CEQ Board to the November 2023 Council Workshop.	Chief Executive Officer	To be finalised by w/e 27 Oct 2023.
Sept 2023 Mtg AI 12 Business Arising	<p>Saibai Church</p> <ol style="list-style-type: none"> Executive Director Financial Services to provide Councillors with a copy of all TSIRC-owned churches within the TSIRC footprint. Executive Director Corporate Services to explore financial and other assistance options to assist in the maintenance and/or restoration of heritage-listed sites and buildings. Executive Director Financial Services to provide Councillors with a copy of the TSIRC Policy on accessing Trust Fund Monies. 	<ol style="list-style-type: none"> ED Financial Services ED Corporate Services ED Financial Services 	<ol style="list-style-type: none"> Completed In progress. Completed.

TRUSTEE Action Items

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<p>Aug 2023 Mtg AI 7 Action Items from Previous Meetings</p>	<ol style="list-style-type: none"> 1. 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. 2. November 2023 Workshop to examine in detail the TSIRC's Trustee Policy, including particular focus on 'Power of Veto' policy. 	<p>Councillors / Secretariat</p>	<p>In progress.</p>
<p>Aug 2023 Mtg AI 11 Business Arising</p>	<p><u>DOGIT/Land Matters</u></p> <p>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>	<p>Mayor</p>	<p>In progress.</p>
<p>May 2023 AI 7B</p>	<p>Power of Veto</p> <p>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.</p>	<p>Acting Executive Director Corporate Services</p>	<p>To be considered in detail at the November 2023 Council Workshop.</p>
<p>May 2023 AI 12</p>	<p>Business Arising (Status of Ugar and Saibai re DOGIT)</p> <p>Further information to be provided to Minister Scott Stewart by Chief Executive Officer on TSIRC's stand on DOGIT and lessons learned.</p>	<p>Chief Executive Officer</p>	<p>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.</p> <p>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>

			<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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TORRES STRAIT ISLAND REGIONAL COUNCIL

TRUSTEE AGENDA REPORT

ORDINARY MEETING:	November 2023
DATE:	16 November 2023
ITEM:	Agenda Item for Resolution by Trustee
SUBJECT:	Helipad Development – Department of Home Affairs
PRESENTER:	Acting Executive Director Corporate Services

Recommendation:

That the Trustee delegate to the Chief Executive Officer the power to progress negotiations with the Department of Home Affairs (“**DHA**”) in relation to the proposed development of helipad infrastructure at existing DHA sites on Dauan Island, Erub Island and Arkai/Kubin on Moa Island.

Executive Summary:

The Department of Home Affairs (“**DHA**”) holds leases from the Trustee over land at Dauan Island and Erub Island. DHA is also a party to a Conditional Agreement to Lease (“**CATL**”) for land at Kubin.

DHA has requested that the Trustee approves the upgrade and improvement of helipad infrastructure located at these sites, so that Australian Border Force can maintain its secure ultra-high frequency communication network.

DHA has said that the network “*is a critical enabling tool to meet its Border protection obligations with all sites contributing to the security network of the Torres Strait*”.

The Trustee has asked DHA to provide copies of detailed plans for the upgraded infrastructure so that the request can be considered in detail.

DHA has responded to advise that it has not yet secured funding to prepare detailed plans, and requires in-principle approval from the Trustee to the proposed infrastructure in order to:

1. Conduct site visits in order to confirm site layout, platform design and installation timeframe. DHA has indicated that this work will also include a vegetation management plan for the Kubin and Dauan sites.
2. Once the design phase is complete, DHA can provide Council with detailed work plans which include confirmation of dimensions location and marking of footing positions and any vegetation management plan.

The purpose of this Report is to inform the Trustee of these discussions, and seek to facilitate a (highly qualified) in-principle approval so that DHA can obtain the funding it needs in order to progress the two steps identified above.

Background:

In the case of Dauan Island and Erub Island, there is existing helipad infrastructure that DHA proposes to upgrade. In the case of Kubin, the helipad infrastructure is proposed new infrastructure, in the vicinity of existing DHA radio communications infrastructure.

Aerial images of the existing sites are shown below:

1. Erub Island (Lot 29 on SP 270873)



2. Dauan Island (Lot 77 on SP 270872)



3. Kubin (Lease C in Lot 5 on SP 271019), with the possible helipad site indicated but not yet confirmed by DHA:



In order to consider DHA’s request in any detail, the Trustee requires detailed works plans so that it understands the nature of the infrastructure being installed.

Without those plans, it won’t be possible for the Trustee to confirm what steps might be needed in order to formalise the proposed infrastructure, including, for example:

- whether the existing leases and CATL are suitable, or if they need to be amended (including, for example, in relation to the Permitted Uses under the leases and CATL, or whether the infrastructure is wholly contained within the lease area);
- whether any development permits are required;
- whether Native Title needs to be addressed.

This position has been communicated to DHA. However, DHA has indicated that it requires funding in order to be able to prepare those works plans, and, as a condition of that funding, it needs to demonstrate to its funding body that the Trustee as the underlying landowner has provided in-principle approval to the infrastructure.

Given that the Trustee does not yet know details about the infrastructure because those detailed plans have not been prepared, the highest level of “in-principle approval” that the Trustee can realistically provide at this stage is to support, in-principle, the development of further helipad infrastructure on the three sites, but subject to:

- receiving and reviewing detailed site plans, and the Trustee being satisfied with those site plans as the landholder; and

- once those detailed site plans are received:
 - considering and approving at a further Trustee meeting any necessary amendments to the applicable leases and CATL;
 - considering the need for, and DHA obtaining, any necessary development permits from Council as planning authority (and any approval the Trustee provides as landholder will not fetter Council's discretion as planning authority);
 - considering the need for, and DHA obtaining, any necessary Native Title and Cultural Heritage clearances, at DHA's cost.

The recommendation contained in this Report proposes to delegate to the Chief Executive Officer the power to progress negotiations with DHA. This delegation will include providing the in-principle support described above, so that the detailed site plans can be obtained.

Ahead of this Report being presented to the Trustee, Council's external solicitor has engaged with the relevant divisional councillors, Cr Trinkoon, Cr Elisala and Cr Gela.

Considerations:

Risk Management

The Trustee should not approve infrastructure within any leased areas in circumstances where the exact nature of the infrastructure is not completely understood.

In view of that, any final approvals provided by the Trustee must be informed by detailed site plans.

Council Finance

It is proposed that the Trustee seeks to pass on all costs associated with considering these matters on to DHA.

Consultation:

Preston Law.

Links to Strategic Plans:

TSIRC Corporate Plan 2020–2025

Delivery Pillar: Sustainability

Outcome 8: We manage council affairs responsibly for the benefit of our communities

- 8.1: Effective management of DOGIT Land as a Trustee

Statutory Requirements:

Local Government Act 2009 (Qld)

Planning Act 2016 (Qld)

Torres Strait Islander Land Act 1991 (Qld)

Conclusion:

That the Trustee delegate to the Chief Executive Officer the power to progress negotiations with the Department of Home Affairs (“DHA”) in relation to the proposed development of helipad infrastructure at existing DHA sites on Dauan Island, Erub Island and Arkai/Kubin on Moa Island.

Attachments:

Nil

Recommended:
Julia Mauro
Senior Legal Officer



Approved:
James William
Chief Executive Officer



Endorsed:
Gary Stevenson
Acting Executive Director, Corporate Services



TORRES STRAIT ISLAND REGIONAL COUNCIL

TRUSTEE MEETING MOVE INTO CLOSED BUSINESS

Resolution to close the meeting to the public:

That the Trustee resolve to close the meeting to the public pursuant to section 84 of the *Local Government Act 2009* to allow the Trustee Council to discuss those agenda items listed under Closed Business and for the reasons outlined for those agenda items.

Personal Interests

Councillors are reminded to declare any Conflict of Interest matters for those items listed and if any conflicts arise during deliberations.

MOVED:

SECONDED:



TORRES STRAIT ISLAND REGIONAL COUNCIL

TRUSTEE MEETING MOVE OUT OF CLOSED BUSINESS

Resolution to MOVE OUT of Closed Business:

That the Trustee resolve to move out of Closed Business discussions.

MOVED:

SECONDED: