



Minutes

TRUSTEE MEETING

May 2023

Tuesday, 25 May 2023

Calvary Christian Church
108 Grafton Street, Cairns

COUNCIL TRUSTEE MEETING
Thursday 25 May 2023

PRESENT:

Cr Phillemon Mosby, Mayor
Cr Dimas Toby, Division 1 – Boigu
Cr Torenzo Elisala, Division 2 – Dauan
Cr Conwell Tabuai, Division 3 – Saibai
Cr Laurie Nona, Division 5 - Badu
Cr John Levi, Division 7 – Wug (St. Pauls), Mua Island
Cr Seriako Dorante, Division 8 – Kirirri (Hammond)
Cr Getano Lui (Jnr), Deputy Mayor Division 9 – Iama
Cr Kabay Tamu, Division 10 – Warraber
Cr Francis Pearson, Division 11 – Poruma
Cr Hilda Mosby, Division 12 – Masig
Cr Rocky Stephen, Division 13 – Ugar
Cr Jimmy Gela, Division 14 – Erub
Division 15 – Mer was not represented

PRESENT:

Mr James William, Chief Executive Officer
Ms Hollie Faithfull, Executive Director Financial Services
Mr David Baldwin, Executive Director Engineering Services
Mr Wayne Green, Executive Director Building Services
Mr Dawson Sailor, Head of Community Services
Mr David Kempton, Acting Executive Director Community Services
Ms Julie Marino, Senior Executive Assistant to the Chief Executive Officer
Ms Trudy Lui, Executive Assistant to the Mayor
Mr Darryl Brooks, Secretariat Officer

APOLOGIES:

Cr Keith Fell, Division 4 – Mabuiag
Cr Lama Trinkoon, Division 6 – Arkai

1. 9:03am Welcome

Our Mayor Mosby commenced the Council's Face to Face Meeting, as part of Council's Workshop for May 2023. Mayor Mosby recognised the commitment and dedication of Councillors, the Chief Executive Officer, Executive and staff.

Our Mayor Mosby also acknowledged the traditional Aboriginal custodians of Cairns, where this meeting was being held; as well as:

- Cultural acknowledgements for the Torres Strait region across the length and breadth of Zenadth Kes and the Gimuy-walubarra yidi people – the traditional owners of the lands on which we are meeting;
- Our Heavenly Father for his awesome wisdom, knowledge and understanding; and
- All Elders, past, present and emerging.

Mayor Mosby welcomed our members of the public, Ms Alice Nona and Mr Joseph Stephen as guests.

2. Opening Prayer

Cr John Levi asked everyone to be upstanding and delivered the opening prayer, followed by one minute silence in respect of those who are currently experiencing Sorry Business.

3. Attendance

Mayor Mosby completed a roll call of Councillors to establish a Quorum.

4. Apologies

The following apologies were tabled.

- Cr Lama Trinkoon, Division 6 – Arkai
- Cr Keith Fell, Division 4 – Mabuiag

RESOLUTION

Moved: Cr Francis Pearson; Second: Cr Torenzo Elisala

That Council accepts the apology for Cr Lama Trinkoon, for the May 2023 Trustee Meeting.

MOTION CARRIED UNANIMOUS

RESOLUTION

Moved: Cr Jimmy Gela; Second: Cr Laurie Nona

That Council accepts the apology for Cr Keith Fell for the May 2023 Trustee Meeting.

MOTION CARRIED UNANIMOUS

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 Council business to be considered at the meeting. No such declarations were made.

6. Confirmation of Previous Trustee Minutes of 18 April 2023

RESOLUTION

Moved: Cr Francis Pearson; Second: Cr Jimmy Gela

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

MOTION CARRIED UNANIMOUSLY

7. Action Items from Previous Meetings

Acting Executive Director Corporate Services provided the Council with a verbal update on action items from the Trustee Meeting held in March 2023.

Regarding processes for Councillors to be excused from Council meetings for other business, the Acting Executive Director Corporate Services advised that a paper would be submitted to Council's June 2023 Ordinary Council meeting.

A. ACTION: Acting Executive Director Corporate Services to prepare an updated policy paper for Council's June 2023 meeting in relation to processes for Councillors to be excused from Council meetings for other business.

In relation to the Government's review of veto powers, the Acting Executive Director Corporate Services advised that Council only had 'real' veto power on land and infrastructure matters and veto power over entry matters is basically non-applicable.

Cr Laurie Nona then led a robust discussion on the Power of Veto (*Action Item 9B of 18 April 2023 Trustee Meeting refers*). Mayor Mosby stated that best practice is to adhere to sound and consistent policy because of Council's legislated obligations and potential for exposure to legal action. Council therefore needs to operate within a clearly defined policy framework.

The Chief Executive Officer suggested that this conversation be held off line.

B. ACTION: 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.

8. Corporate Services – St Paul's Lots 46 and 152 – Consent to development application

RESOLUTION

Moved: Cr John Levi; Second: Cr Torenzo Elisala

1. That the Trustee grant owner's consent to Community Enterprises Queensland in support of a development application for a Reconfiguration of Lot (2 into 3 lots) over Lots 46 and 152 on SP256048 (Oza Bosun Road, St Pauls), as per RPS Drawing 10358-85a, dated 17 November 2022 ; and

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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 UNANIMOUSLY

Deputy Mayor Cr Getano Lui (Jnr), asked Acting Executive Director Community Services if we can emulate this resolution to our other islands rather than Peppercorn Rent.

Chief Executive Officer is having a face to face discussion with Michael Dykes, CEQ (Community Enterprises Queensland) Tuesday 30 June on Thursday Island and will raise this matter.

Cr Jimmy Gela, apologised and declared that he may have had a problem with declaring Conflict of Interest as his brother is the General Manager of QBuild.

Mayor Mosby replied that there is no conflict of interest in this particular matter and advised Councillors that it would be prudent to be aware of the implication of our views and to stay within our lane as Councillors.

ACTION: 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.

9. **Council Moves into Closed Business**

RESOLUTION

Moved: Cr Laurie Nona, Second: Cr Torenzo Elisala

That in accordance with Section 254J of the *Local Government Regulation 2012 (Qld)* it is resolved for the meeting to go into closed business to discuss matters of the following nature:

- Status of LHA Lease Resolution

MOTION CARRIED UNANIMOUSLY

10. **Corporate Services – Status of LHA Lease Resolution**

11. **Move out of Closed Business**

RESOLUTION

Moved: Cr Torenzo Elisala; Second: Cr Kabay Tamu

That Council resolves to move out of closed business and resume in open business.

MOTION CARRIED UNANIMOUSLY

Resolution from Closed Business Agenda Item

10. **Corporate Services – Status of LHA Lease Resolution**

Moved: Cr Laurie Nona Second: Cr John Levi

RESOLUTION

That the Trustee resolve to:

1. Note the report on the status of LHA lease resolution; and
2. Authorise the Chief Executive Officer to submit Council's response to the Department of Resources review of the Land Holding Act 2013; and

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3. Authorise the Chief Executive Officer to submit a written proposal to the Department of Resources for the resolution of three LHA lease entitlements at Boigu Island.

MOTION CARRIED UNANIMOUSLY

12. Business Arising

Cr Rocky Stephen asks about the status of Ugar and Saibai re DOGIT.

Chief Executive Officer replied that he has made representation to Minister Scott Stewart who is becoming more receptive, however the process needs to be accelerated. We are advocating the impact on Community and will report back to Council in the next few months.

Chief Executive Officer further commented that it is part of a Councillor's role to inform the Community. Being Traditional Land Owners, we want ownership. Transfer of DOGIT does not tick a box. We should not be afraid to speak to our Community about this in a frank and open discussion.

ACTION: Further information to be provided to Minister Scott Stewart by Chief Executive Officer on TSIRC's stand on DOGIT and lessons learned.

13. Next Meeting

Council noted that its next meeting will be on 27 June 2023 VC.


14. Closing Remarks & Prayer

Our Mayor Mosby thanked Councillors, Chief Executive Officer, Executive and Administration Staff for their support, leadership, participation and an invited participants to be upstanding as he closed the meeting in prayer.

The meeting closed at 10:35am.



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Mr James William
Chief Executive Officer
Torres Strait Island Regional Council
Date: 28/6/2023



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Cr. Phillemon Mosby
Mayor
Torres Strait Island Regional Council
Date: 28/6/2023