



Minutes

TRUSTEE COUNCIL MEETING

18 July 2023

ST PAULS COMMUNITY
MOA ISLAND

COUNCIL TRUSTEE MEETING

Tuesday 18 July 2023

PRESENT:

Cr Phillemon Mosby, Mayor
Cr Torenzo Elisala, Division 2 – Dauan
Cr Conwell Tabuai, Division 3 – Saibai
Cr Keith Fell, Division 4 – Mabuiag
Cr Lama Trinkoon, Division 6 – Arkai
Cr John Levi, Division 7 – Wug (St. Pauls), Moa Island
Cr Seriako Dorante, Division 8 – Kirirri (Hammond)
Cr Kabay Tamu, Division 10 – Warraber
Cr Francis Pearson, Division 11 – Poruma
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 (Teams)
Mr Wayne Green, Executive Director Building Services
Mr Dawson Sailor, Head of Community Services
Mr David Kempton, Acting Executive Director Corporate Services (Teams)
Ms Julia Mauro, Senior Legal Officer (Teams)
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 Dimas Toby, Division 1 – Boigu
Cr Getano Lui (Jnr) AM, Division 9 - Lama
Cr Hilda Mosby, Division 12 – Masig

1. 9:05am Welcome

Our Mayor Mosby formally opened Council's seventh Trustee Meeting for 2023 which took place on St Paul's Community on Mua Island in July 2023.

Mayor Mosby invited Cr John Levi (as the Division 7 Councillor and host) to say a few words. Cr John Levi, on behalf of himself and Cr Lama Trinkoon from Division 6) welcomed the Council and Staff.

Mayor Mosby recognised the commitment and dedication of Councillors, the Chief Executive Officer, Executive and staff.

Mua Island is a part of the Torres Strait's western island group and is the second largest island in the Torres Strait and it is a pleasure and an honour to be here. Cr John Levi and Cr Lama Trinkoon have welcomed everyone with open arms and we acknowledge the hard work of Councilors and staff for the effort made to ensure this visit is enjoyable for all involved.

The Island is characterised by mounds of rock and is sparsely vegetated throughout. It is home to two communities: St Pauls and Kubin. St Pauls is located on the north-eastern side of the island at the base of Mua Peak, the highest peak in the Torres Strait. Kubin is located on the southern end of the island. The communities are linked by a bitumen and gravel road.

Mayor Mosby talked of our collective leadership and how we must pray for one another.

Our Mayor Mosby also acknowledged the traditional custodians of Mua, the Mualgal people, who are the Traditional Custodians of the island where this meeting was being held; as well as:

- Cultural acknowledgements for the Torres Strait region across the length and breadth of Zenadth Kes;
- Our Heavenly Father for his awesome wisdom, knowledge and understanding;
- Those who work in health; educators of our children; those who work in employment services;
- Those less fortunate than ourselves; and
- All Elders, past, present and emerging.

Our Mayor Mosby welcomed Ms Angela Toreenbeck from the community who is a public observer at Council's deliberations today.

2. Opening Prayer

Cr Keith Fell asked everyone to be upstanding and delivered the opening prayer, followed by one minute silence for Sorry Business.

3. Attendance

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

4. Apologies

Mayor Mosby reminded Council to advise Secretariat in advance by text or email if they are an apology.

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The following apologies were tabled.

Cr Dimas Toby, Division 1 – Boigu (TSRA Portfolio commitments)

Cr Getano Lui Jnr, Division 9 – Iama (medical reasons)

Cr Hilda Mosby, Division 12 – Masig (medical reasons)

RESOLUTION

Moved: Cr Torenzo Elisala; Second: Cr Keith Fell

That Council accepts the apology for Cr Dimas Toby, for the July 2023 Trustee Meeting.

MOTION CARRIED UNANIMOUS

RESOLUTION

Moved: Cr Torenzo Elisala; Second: Cr John Levi

That Council accepts the apology for Cr Getano Lui (Jnr), for the June 2023 Trustee Meeting.

MOTION CARRIED UNANIMOUS

RESOLUTION

Moved: Cr Keith Fell; Second: Cr Jimmy Gela

That Council accepts the apology for Cr Hilda Mosby, for the June 2023 Trustee Meeting.

MOTION CARRIED UNANIMOUS

Council noted and accepted the attendance of Cr Conwell Tabuai by Teams dial-in.

Council noted that Cr Laurie Nona was not in attendance for the July 2023 Trustee Meeting.

Mayor Mosby commented that Cr Laurie Nona has non attending was deemed “special circumstances which is a matter” and will be raised as an agenda item in the July Ordinary Meeting today.

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 27 June 2023

RESOLUTION

Moved: Cr Jimmy Gela; Second: Cr Torenzo Elisala

That Council resolves to accept the minutes of the Trustee Meeting held on 27 June 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 noted that there were no action items arising from the June 2023 Trustee Meeting, however, he would provide the Council with a verbal update on the remaining outstanding action items.

Agenda Item 12 (Business Arising) – Status of Ugar and Saibai re DOGIT

- Cr Rocky Stephen asks when will we have the lessons learned meeting with the effected communities, along with advice to those communities from Council on a recommended way forward.
- Acting Executive Director Corporate Services commented that the current issue is that the transfer process is driven by the Department according to Government policy and consultation does not necessarily include all of the options available both to Council or to the community. The letter to the Premier therefore seeks to delay matters until Council's policies around freehold and trustee policy. Hopefully, these policies can be presented to the November 2023 Council Workshop.
- Cr Torenzo Elisala requested that the correspondence also highlight the complexities that exist between local PBC, GBK and TSIRC interests and issues around these complexities and any proposed solutions need to be diplomatically communicated to the Premier.
- Chief Executive Officer – we have to consider our options if we engage with the PBC and GBK – this is the challenge. Dealing directly with one interest group without going through another, immediately affords the potential for matters to become political, then our strategy must change – this is a challenge.
- Cr Rocky Stephen – commented that the Acting Executive Director Corporate Services gave us some excellent information at the Workshop including a new perspective on how to strategically address the process and that is why I am really supporting the letter to the Premier go out.
- Acting Executive Director Corporate Services advised that all parties concerned need to understand what the bigger issues are. Basically the recommended approach is that the Government has to stop the current process whilst we have conversations with our Communities and ascertain their preferences for the best way forward for them. The Government holds the Native Title – so this is a very complex conversation.
- Chief Executive Officer supported this approach and recommended that the Council be guided by the approach proposed by the Acting Executive Director Corporate Services.
- Acting Executive Director Corporate Services will send an updated version of the letter to the Premier to Mayor Mosby.

8. Corporate Services – Freehold Policy

RESOLUTION

Moved: Cr Rocky Stephen; Second: Cr John Levi

Council resolves to refer the pathway to residential freehold to SARG committee to prepare a policy addressing:

- 1. The statutory and practical implications of residential freehold land on Torres Strait Island DOGIT.**
- 2. The comparative advantages and disadvantages of residential freehold as against 99-year home ownership leases.**
- 3. The Native Title Act considerations.**
- 4. What impact the transfer of the DOGIT to the PBC or other Land Trust would have on the residential freehold option.**
- 5. The interactions with Council Trustee lease policy, and**
- 6. The role of security of tenure in self-governance.**

MOTION CARRIED UNANIMOUSLY

Senior Legal Officer, Ms Julia Mauro advised Council that back in 2015 and 2016, when the ordinary freehold option was made available to Indigenous communities, TSIRC participated in a pilot project with the Department of Natural Resources Mines and Energy. Three communities were involved in the pilot project: Poruma, St Pauls and Hammond Island. Community consultations were undertaken. St Pauls and Poruma did not show an interest in progressing with the freehold option. Former Cr Mario Sabatino (Hammond Island) and former Mayor Fred Gela instructed me to seek feedback from the Hammond Island community on whether it would be appropriate to introduce the ordinary freehold option. I prepared a proposal to convert to freehold only the land that is under a Katter lease granted under the 2013 Land Holding Act (where native title is already extinguished as a result of PERBA Pre-Existing Rights-Based Act). Council did not receive many responses on the proposal, and when it was presented to Council in May or June 2019, Mayor Mario Sabatino and Cr Fred Gela both declared conflicts of interest and left the room. The remaining Councillors did not consider they had enough information to make a decision on what is appropriate for Hammond Island, and Council directed that further community consultation would be required. The proposal has not progressed in this term of Council (2020 to 2024), until it was raised again at the May 2023 Council Workshop, whereupon the Council considered it would be worth reviving this proposal in the context of Mr David Kempton's broader freehold policy proposal. Mr David Kempton is working on drawing together the freehold policy and the trustee policy review to have a fulsome strategic policy with Council by November 2023.

Senior Legal Officer, Ms Julia Mauro further advised Council that there are 27 outstanding Katter lease entitlements. They have practical obstacles. An information report was provided to Council at the May Trustee Meeting (Closed Business). The applications for 99-year leases are awaiting the Trustee Policy review. Mr David Kempton is preparing the Trustee Policy review report for August 2025, Trustee Meeting.

9. Business Arising

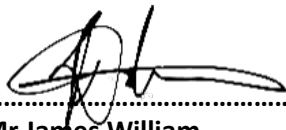
No business discussed.

10. Next Meeting


Council noted that its next meeting will be determined under Agenda Item 34 at the July 2023 Ordinary Council Meeting.

11. Closing Remarks & Prayer

Our Mayor Mosby thanked Councillors, Chief Executive Officer, Executive and Administration Staff for their contributions to the Trustee Meeting and closed the meeting at 9.40am for a short break prior to commencement of the Ordinary Meeting agenda.



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Mr James William
Chief Executive Officer
Torres Strait Island Regional Council
Date: 3 October 2023



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Cr Phillemon Mosby
Mayor
Torres Strait Island Regional Council
Date: 3 October 2023