



Torres Strait Island
REGIONAL COUNCIL

Minutes

CULTURE, ARTS, LAND AND HERITAGE COMMITTEE

Date: 25th February 2022
Time: 10:00am to 12:00pm
Venue: VMR #6 – 0292 970 558

PRESENT:

Cr Aven Noah – Chair, Division 15 – Mer (Murray)
Cr Torenzo Elisala – Committee Member, Division 2 – Dauan
Cr Laurie Nona – Committee Member, Division 5 – Badu

STAFF:

Mr Dawson Sailor, Acting Executive Director, Building & Community Services
Mr Peter Krebs, Manager Legal Services
May Mosby, Acting Secretariat

APOLOGY:

Ms Megan Barrett, Executive Director Corporate Services

10:41am - Cr Laurie Nona – joined the meeting

1. Welcome (Chair)

Cr Aven Noah, Chair welcomed and thanked Councillors and staff to the meeting and invited Cr Torenzo Elisala to open the meeting in a word of prayer.

2. Opening Prayer

Cr Torenzo Elisala opened the meeting in a word of prayer at 10:05am.

3. Apology

Ms Megan Barrett, Executive Director Corporate Services.

4. Declaration of Conflict of Interest (COI) (Prescribed and Declarable)

No declarations made.

5. Noting of previous Ratified Minutes – 1st December 2021

- 1st December 2021 – VC – Ratified at January 2022 Ordinary Meeting

RESOLUTION:

Move: Cr Torenzo Elisala; Second: Cr Aven Noah

That the Committee notes the Minutes of the meeting held on 1st December 2021 as true and accurate account of that meeting.

MOTION CARRIED UNANIMOUS

6. Outstanding Action Items

Mr Peter Krebs, Manager Legal Services provided the Committee with an update of one outstanding action item from the December 2021 meeting regarding the Torres Strait Flat Licencing and copyright issue with the Namok family.

7. Visitor's application portal – (verbal)

Mr Dawson Sailor, Acting Executive Director Building and Community Services gave a verbal update and advised the team is still working on the portal. Had a few issues with the system and layout due to the show directives constantly changing however is aiming for the end of this month (February) to finalise the portal and go live.

Both Cr Aven Noah and Cr Laurie Nona stated that Councillors had requested a comment box be included to obtain further information on the applicant.

ACTION: That Acting Executive Director Building and Community Services to follow up with Rottannah in Visitors Management and Dean at Atturra on progress.

8. Firearms Licence – Legal

Mr Peter Krebs, Manager Legal Services spoke to the report regarding the Firearms Licencing and landowner's consent to applications for firearm licences.

Mr Peter Krebs stated applications were previously signed by a Divisional Councillor however no records were found or kept and are not covered in the Trustee policy as well. Mr Peter Krebs asked the committee to consider two options moving forward, that option 1, to leave as is for a Divisional Councillor to sign off and keep copies to send to legal or option 2 when applications are received, that they be referred to a Trustee meeting for approval and a record be kept.

It is recommended that a standalone register be set up of landowner consent to applications so we have records.

With regards to Richard Gela's application, it is proposed that the application be brought to the March Trustee Meeting to have it dealt with as a standalone item until we get the policy in place.

RESOLUTION:

Move: Cr Aven Noah; Second: Cr Torenzo Elisala

That the Cultural, Arts, Land and Heritage Standing Committee recommends to the Trustee the following options for dealing with landowner consent for firearms licences by

- Referring all landowner consent to Trustee meeting of council for approval where a divisional councillor will have a say.
- Maintaining a register of all landowner consent applications approved.
- Amending Council's Trustee Policy to incorporate the changes above.
- That Richard Gela's application to be dealt with at the next Trustee meeting in March.

MOTION CARRIED UNANIMOUS

9. Cultural Heritage Act review – Legal

Mr Peter Krebs, Manager Legal Services spoke to the report on the Cultural Heritage Act review.

10:41am – Cr Laurie Nona joined the meeting.

Discussions were held on this topic.

Cr Laurie Nona raised a concern with Mr Peter Krebs, Manager Legal Services that the resolution did not reflect Customary Law. Mr Peter Krebs advised that he would change the second part of the resolution.

RESOLUTION:

Move: Cr Laurie Nona; Second: Cr Torenzo Elisala

That the Cultural, Arts, Land and Heritage Committee confirms support for the following proposal to the Aboriginal and Torres Strait Island Cultural Heritage Act 2003 as outlined in the Options paper of December 2021 and recommends endorsement at Councils March 2022 Ordinary Meeting and

Recommends that Council provide written submissions to the Department confirming council support of the proposal and it's continuing involvement in the process to further protect customary law.

MOTION CARRIED UNANIMOUS

10. Radio Licencing – (verbal)

Mr Peter Krebs, Manager Legal Services gave a verbal update on the renewing of radio licences in divisions. TSIRC still have the licences but don't do anymore community broadcasting and ACMA (Australian Communication and Media Authority) is seeking to renew those licence we currently have by the due date of 5th April 2022. Discussions followed on whether we continue to renew or surrender those licences. Cr Aven Noah stated that we should continue to renew. Cr Aven Noah referred to a letter from Jim Remedio, CEO CAAMA to the Mayor which was a follow up letter on their face-to-face presentation to Council last year.

Cr Aven Noah recommended that we seek membership from Northern Australia Radio Alliance (NARA) on behalf of Council to find out how Council can benefit from these services.

The radio Licences TSIRC currently hold, and expiring are Saibai, Boigu, Mer, Dauan, Kubin Ugar and Masig. The others 4 divisions of Iama, Poruma, Warraber and St Pauls are held by TSIMA and expires on 30th June 2022. Erub, Hammond and Badu and Mabuiaig are not listed in Senior Legal Officer's communications.

Mr Dawson Sailor, Acting Executive Director Building and Community Services recommended that this topic be mentioned at SARG whom Cr Aven Noah is a committee member.

ACTION: That Acting Executive Director, Building and Community Services seek information on membership with Northern Australia Radio Alliance.

Both Cr Laurie Nona and Cr Torenzo Elisala supports Cr Aven Noah to having RIBS up and running in the community again.

RESOLUTION:

Move: Cr Laurie Nona; Second: Cr Torenzo Elisala

That we seek membership with Northern Australia Radio Alliance and that Cr Aven Noah, as Chair of Cultural, Arts, Land and Heritage Committee be nominated to sit on the NARA board as representative of Council.

MOTION CARRIED UNANIMOUS

11. Business Cards (double sided)

Mr Peter Krebs spoke to this report regarding the final design of TSIRC business cards.

The committee agree that the single business cards stay as is as the alternative design will be more costly to print.

11.24am – Mr Dawson Sailor left the meeting

11:26am – Mr Dawson Sailor re-joined the meeting

RESOLUTION:

Move: Cr Aven Noah; Second: Cr Laurie Nona

That the Culture, Arts, Land and Heritage Committee consider the proposed designs for the TSIRC Business Cards and supports the Wun Mak Island graphic on the back of the business card.

MOTION CARRIED UNANIMOUS

12. Torres Strait Flag Licensing – Legal (verbal update)

Mr Peter Krebs, Manager Legal Services provided a verbal update to the Committee that no response has yet been received from the Namok's Lawyers since their deputation in November 2021.

13. COMMITTEE MOVES INTO CLOSED BUSINESS

Move: 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:

(h) legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government;

(i) a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

14. LEGAL – CB - Proposed adaptation of Torres Strait Islander Flag

15. COMMITTEE MOVES OUT OF CLOSED BUSINESS AND RESUMES IN OPEN BUSINESS

RESOLUTION:

Moved: Cr Aven Noah; Second: Cr Laurie Nona

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

MOTION CARRIED UNANIMOUS

Resolution following closed business:

14. LEGAL – CB - Proposed adaptation of Torres Strait Islander Flag

RESOLUTION:

Move: Cr Laurie Nona; Second: Cr Aven Noah

That the Committee recommend to Council:

1. That Council grant permission to Aboriginal Affairs New South Wales, NSW Department of Premier and Cabinet’s Reconciliation Working Group, the State of New South Wales and its departments, agencies and statutory bodies to reproduce and adapt the image of the Torres Strait Islander flag by:
 - a. superimposing the image on the NSW Waratah Logo to create a “Torres Strait Islander Flag Waratah Logo”; and
 - b. superimposing the image on the NSW Waratah Logo alongside the Aboriginal Flag to create a “Reconciliation Waratah Logo” for use in their general communications, Reconciliation Plan and during key annual national events.
2. That pursuant to section 257 of the Local Government Act 2009, Council:
 - a. delegate to the CEO the power to decide requests to reproduce the image of the Torres Strait Islander flag and issue royalty-free licences, administered by Councils Department of Building and Community Services; and
 - b. delegate to the CEO, in consultation with the Mayor, the power to decide requests to adapt or modify the image of the Torres Strait Islander flag and issue royalty-free licences, administered by Councils Department of Building & Community Services.
3. That the Executive Director Building & Community Services prepare a written flag licensing policy for Council endorsement, incorporating the information that Council submitted to the Senate Select Committee on the Aboriginal Flag in September 2020 and also incorporating a requirement that the Executive Director of Building & Community Services present an annual information report to Council on flag licensing.

MOTION CARRIED UNANIMOUS

16. General/ Other Business (on notice)

Identity – copyright and wearing of sacred costumes, dances, artefacts

Cr Torenzo Elisala raised the issue of a recent social media platform arguing over culture and identity in terms of intellectual copyright of dances, artefacts, or sacred costumes and how Council could take a lead on this subject. Cr Elisala asked that the matter be left on the table for further discussions.

17. Next meeting date

- Friday, 27th May 2022 @ 10am

18. Closing Prayer

Cr Aven Noah, Chair, thanked the committee members and executive staff for their attendance and participation and encouraged the committee members to bring any matters of concern to the Committee's attention. Cr Aven Noah asked Cr Laurie Nona to close the meeting in a word of prayer.

MEETING CLOSED 12:21PM



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Mr James William
Chief Executive Officer
Torres Strait Island Regional Council
Date: 22nd March 2022



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Cr Phillemon Mosby
Mayor
Torres Strait Island Regional Council
Date: 22nd March 2022