

MINUTES

TORRES STRAIT ISLAND REGIONAL COUNCIL

December 2021

TRUSTEE MEETING

Tuesday, 7th December 2021

Video Conference

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 – Arkai (Kubin), Mua Island
Cr John Levi, Division 7 – Wug (St Pauls), Mua Island
Cr Seriako Dorante, Division 8 – Kirriri (Hammond)
Cr Getano Lui Jnr (Deputy Mayor), Division 9 – Iama (Yam)
Cr Kabay Tamu, Division 10 – Warraber (Sue)
Cr Francis Pearson, Division 11 – Poruma (Coconut)
Cr Rocky Stephen, Division 13 – Ugar (Stephen)
Cr Jimmy Gela, Division 14 – Erub (Darnley)
Cr Aven Noah, Division 15 – Mer (Murray)

STAFF:

Mr David Baldwin, Acting Chief Executive Officer (ACEO)
Ms Hollie Faithfull, Executive Director, Financial Services (EDFS)
Mr Dawson Sailor, Acting Executive Director, Community & Building Services (AEDCBS)
Ms Megan Barrett, Interim Executive Director, Corporate Services
Mr Peter Krebs, Manager Legal Services
Mrs Ursula Nai, Senior Executive Assistant (SEA)
Ms May Mosby, Acting Secretariat Officer (SO)

APOLOGIES:

Cr Torenzo Elisala, Division 2 – Dauan
Cr Conwell Tabuai, Division 3 – Saibai
Cr Hilda Mosby, Division 12 – Masig (Yorke)

TRUSTEE MEETING
Tuesday, 7th December 2021

1. **9:08am - 9:12am** **Opening Prayer and Welcome**

Mayor Mosby established a quorum and welcome everyone to the meeting and acknowledged the following:

- Our Heavenly Father
- Traditional Owners of the lands we meet today in the Cairns region and across the length and breadth of Zenadth Kes
- All Elders present and emerging
- Executive Staff

Cr Keith Fell opened the meeting in prayer.

2. **9:12am – 9:15am** **Apologies**

- Cr Conwell Tabuai – Division 3, Saibai
Cultural reasons, Tombstone preparations

RESOLUTION:

Moved: Cr Aven Noah; *Second:* Cr Keith Fell

That Council accepts the apology from Cr Conwell Tabuai for the December 2021 Ordinary meeting.

MOTION CARRIED

- Cr Torenzo Elisala – Division 2, Dauan
Live recording of Strait to the Plate SBS documentary series

RESOLUTION:

Moved: Cr Keith Fell; *Second:* Cr Jimmy Gela

That Council accepts the apology from Cr Torenzo Elisala for the December 2021 Ordinary meeting.

MOTION CARRIED

Cr Hilda Mosby gave her apologies that she will be running late due to her not feeling well and will be attending the medical centre for treatment and medical certificate.

9:12am - Cr Kabay Tamu joined the meeting.

3. **9:15am - 9:17am** **Declaration of Conflict of Interest (COI) Declarable and Prescribed**

No declarations made however Mayor Mosby encouraged Councillors and staff to make a declaration at any time.

4. **9:17am – 9:18am** **Confirmation of Trustee Meeting Minutes**

- Trustee Meeting – 15th November 2021

RESOLUTION:

Moved: Cr Jimmy Gela, *Second:* Cr Francis Pearson

That the Trustee accepts the minutes of the Trustee meeting held on the 15th November 2021 as a true and accurate account of that meeting.

MOTION CARRIED

5. **9:18am – 9:27am** **Outstanding Action Items**

Manager Legal Services, Mr Peter Krebs updated the Trustee on the action items.

6. **9:30am – 10:25am** **Standing Agenda Item: (verbal update)**

- **Undocumented commercial land occupation project – verbal update**
- **IBIS stores - agreement to lease**

Manager Legal Services, Mr Peter Krebs provided the Trustee with an update on the above two topics.

9:32am – Cr Laurie Nona joined the meeting.

The following Councillors declared their Declarable Conflict of Interest for DOGIT Transfer Update:

Cr Francis Pearson declared a Declarable Conflict of Interest in Council Meeting Agenda Item 6 – Standing Agenda Item – DOGIT Transfer. This declarable conflict of interest arises because I am a Director for GBK (Gur A Baradharaw Kod Torres Strait Sea and Land Council). Cr Francis Pearson proposed to leave and stay away from the place where the meeting is being held while this matter is discussed and voted on.

Cr Dimas Toby declared a Declarable Conflict of Interest in Council Meeting Agenda Item 6 – Standing Agenda Item – DOGIT Transfer. This declarable conflict of interest arises because I am a Director for GBK (Gur A Baradharaw Kod Torres Strait Sea and Land Council). Cr Dimas Toby proposed to leave and stay away from the place where the meeting is being held while this matter is discussed and voted on.

Cr Kabay Tamu declared a Declarable Conflict of Interest in Council Meeting Agenda Item 6 – Standing Agenda Item – DOGIT Transfer. This declarable conflict of interest arises because I am a Director for GBK (Gur A Baradharaw Kod Torres Strait Sea and Land Council). Cr Kabay Tamu 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 Council Meeting Agenda Item 6 – Standing Agenda Item – DOGIT Transfer. This declarable conflict of interest arises because I am a Director for GBK (Gur A Baradharaw Kod Torres Strait Sea and Land Council). 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.

Mayor Phillemon Mosby declared a Declarable Conflict of Interest in Council Meeting Agenda Item 6 – Standing Agenda Item – DOGIT Transfer. This declarable conflict of interest arises because I am a Director for GBK (Gur A Baradharaw Kod Torres Strait Sea and Land Council). Mayor Mosby proposed to leave and stay away from the place where the meeting is being held while this matter is discussed and voted on.

09:38am – Cr Francis Pearson, Cr Dimas Toby, Cr Kabay Tamu, Cr Jimmy Gela and Mayor Phillemon Mosby left the room due to the declarable conflict of interest.

09:38am – Deputy Mayor, Cr Getano Lui chaired the meeting in the absence of Mayor Moby.

- **DOGIT Transfers – Verbal Update**

Manager Legal Services, Mr Peter Krebs provided the Trustee with an update and an in-depth discussion was held on the invitation received by GBK (Gur A Baradharaw Kod Torres Strait Sea and Land Council) to attend the upcoming DOGIT Transfer – Lesson learned session to be held at the Pullman in Cairns on the 13-14th December 2021. GBK (Gur A Baradharaw Kod

Torres Strait Sea and Land Council) confirmed they will only fund the travel of PBC representatives and will not cover TSIRC Councillors attendance or consultants.

ACTION ITEM: Manager Legal Services, Mr Peter Krebs draft a letter for Acting Chief Executive Officer, Mr David Baldwin's consideration with the points raised.

RESOLUTION:

Moved: Cr Aven Noah; Second: Cr Laurie Nona

That TSIRC will not attend the DOGIT Transfer sessions in Cairns due to failure to provide support.

MOTION CARRIED UNANIMOUSLY

10:22am – Cr Francis Pearson, Cr Dimas Toby, Cr Kabay Tamu, Cr Jimmy Gela and Mayor Phillemon Mosby re-joined the meeting.

10:22am – Mayor Mosby resumed as chair of the Trustee meeting.

7. **10:25am – 10:25am** **TRUSTEE MOVE INTO CLOSED BUSINESS**

RESOLUTION:

Moved: Cr Rocky Stephen; Second: Cr Francis Pearson

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 legal advice obtained by the local government or legal proceedings involving the local government.

MOTION CARRIED

- LEGAL – CB – Tripartite Deed for Saibai Community Safety and Security Facility

8. **10:32am – 10:32am** **TRUSTEE MOVE OUT OF CLOSED BUSINESS AND RESUME IN OPEN COUNCIL**

RESOLUTION:

Moved: Cr Kabay Tamu; Second: Cr John Levi

That the Trustee move out of Closed Business and resume the Trustee meeting in open business.

MOTION CARRIED

10:32am – 10:42am **LEGAL – CB – Tripartite Deed for Saibai Community and safety and security facility**

RESOLUTION:

Moved: Cr Aven Noah; Second: Cr Francis Pearson

That the Trustee resolves to

- **Enter into the Indigenous Grants – Tripartite Purposes Deed relating to the construction of the Community Safety and Security Facility on Lot 102 on SP296838, Saibai Island, for the purpose of discharging its statutory functions as Trustee of the Saibai Deed of Grant in Trust.**
- **Delegate authority to the Mayor and the Chief Executive Officer each the power in accordance with the *Local Government Act 2009*:**
 - **power to make, amend or discharge the Deed and**
 - **power to negotiate, finalise and executive any and all matters associated with or in relation to the Deed including without limitation any variations.**

MOTION CARRIED

Morning Tea – 10:32am – 10:42am

9. 10:42am – 10:57am LEGAL – TCHHS lease Kubin (lot 134 on SP271019)

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

RESOLUTION:

Moved: Cr Lama Trinkoon; Second: Cr John Levi

That the Trustee resolve, pursuant to the Torres Strait Islander Land Act 1991 (Qld), to grant Torres and Cape Hospital and Health Service (TCHHS) an extension to 30 September 2022 (a further nine-month extension) of the date for the satisfaction of the native title requirements in relation to the proposed lease of Kubin lot 134 on SP271019, subject to continued payment of a monthly land occupation fee (pro rata at the same rate as the starting rent under the proposed lease) until the commencement of the lease (or until TCHHS ceases occupying the land, whichever is earlier), and delegate to the Chief Executive Officer the power to negotiate the terms of the Deed of Variation and lease, sign and discharge the Deed of Variation and lease.

MOTION CARRIED

10. 10:57am – 11:02am LEGAL – TCHHS lease St Pauls (lot 36 on SP256048)

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

RESOLUTION:

Moved: Cr John Levi; Second: Cr Lama Trinkoon

That the Trustee resolve, pursuant to the Torres Strait Islander Land Act 1991 (Qld), to grant Torres and Cape Hospital and Health Service (TCHHS) an extension to 30 April 2022 (a further four-month extension) of the date for the satisfaction of the native title requirements in relation to the proposed lease of St Pauls lot 36 on SP256048, subject to continued payment of a monthly land occupation fee (pro rata at the same rate as the starting rent under the proposed lease) until the commencement of the lease (or until TCHHS ceases occupying the land, whichever is earlier), and delegate to the Chief Executive Officer the power to negotiate the terms of the Deed of Variation and lease, sign and discharge the Deed of Variation and lease.

MOTION CARRIED

11. 11:02am – 11:03am Next meeting – meeting dates to be discussed in Council Meeting


Mayor Mosby advised the next meeting dates are proposed in an agenda report to the Ordinary Meeting.

12. 11:03am – 11:03am Closing Remarks

Mayor Mosby thanks Councillors and Staff for their time and declared the Trustee meeting closed.

MEETING CLOSED: 11:03am


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Mr David Baldwin
Acting Chief Executive Officer
Torres Strait Island Regional Council
Date: 18 January 2022


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Cr Phillemon Mosby
Mayor
Torres Strait Island Regional Council
Date: 18 January 2022