



# TRUSTEE MINUTES

**TORRES STRAIT ISLAND REGIONAL COUNCIL**

Tuesday 21 February 2023

**DRAFT**

**PRESENT:**

Cr Phillemon Mosby, Mayor  
Cr Torenzo Elisala, Division 2 – Dauan (Mt Cornwallis)  
Cr Keith Fell, Division 4 – Mabuiag (Jervis)  
Cr Laurie Nona, Division 5 – Badu (Mulgrave)  
Cr Lama Trinkoon, Division 6 – Kubin (Arkai), 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 Hilda Mosby, Division 12 – Masig (Yorke)  
Cr Jimmy Gela, Division 14 – Erub (Darnley)  
Cr Aven Noah, Division 15 – Mer (Murray)

**STAFF:**

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

**APOLOGIES:**

Cr Dimas Toby, Division 1 – Boigu (Talbot)  
Cr Conwell Tabuai, Division 3 – Saibai  
Cr Rocky Stephen, Division 13 – Ugar (Stephen)

**OBSERVER:**

Mr David Kempton

## WELCOME

Mayor Mosby opened the meeting at 10.45am and welcomed Councilors and Torres Strait Regional Council staff. He acknowledged that it has been a very busy past few months for the Council and noted that it was approximately only 9 months or so before 'Caretaker' conventions came into effect prior to the next Local Government elections in 2024.

The Mayor reaffirmed that DOGIT remains a high priority to be sorted out for the region because of its adverse impact on the lives and livelihoods of residents across the Torres Strait.

The following attendances were confirmed:

Torres Strait Island Regional Council	
Mayor	Cr Phillemon Mosby
Division 2 – Dauan	Cr Torenzo Elisala
Division 4 – Mabuiag	Cr Keith Fell
Division 5 - Badu	Cr Laurie Nona
Division 6 – Arkai	Cr Lama Trinkoon
Division 7 – Wug (St. Pauls), Mua Island	Cr John Levi
Division 8 – Kirirri (Hammond)	Cr Seriako Dorante
Division 9 – Iama	Cr Getano Lui Jnr (Deputy Mayor)
Division 10 – Warraber	Cr Kabai Tamu
Division 11 – Poruma	Cr Francis Pearson
Division 12 – Masig	Cr Hilda Mosby <i>(Cr Mosby scheduled to attend around 11.00am)</i>
Division 14 – Erub	Cr Jimmy Gela
Division 15 - Mer	Cr Aven S. Noah
Torres Strait Island Regional Council – Administrative Staff	
Chief Executive Officer	Mr James William
Executive Director Building Services	Mr Wayne Green
Executive Director Engineering Services	Mr David Baldwin
Executive Director Corporate Services	Ms Noeleen Selke
Executive Director Financial Services	Ms Hollie Faithfull
Senior Legal Officer	Ms Julia Mauro
Senior Executive Assistant to the CEO	Ms Julie Marino
Executive Assistant to the Mayor	Ms Trudy Lui
TSIRC Secretariat	Mr Darryl Brooks
Observers	
N/A	Mr David Kempton

## **AGENDA ITEM 1: WELCOME AND OPENING REMARKS**

Mayor Phillemon Mosby completed a roll call of committee members and staff and welcomed everyone to the Trustee meeting for February 2023. Mayor Mosby confirmed, therefore, that the required quorum of Councillors were present for the meeting to proceed.

Mayor Phillemon Mosby also acknowledged the following:

- Our Heavenly Father for his awesome knowledge, wisdom, understanding, favour and blessing upon our lives. A blessing on our families, our organisation and our people.
- Mayor Mosby acknowledged, the traditional owners on behalf of Council across the length and breadth of Zenadth Kes including, where our Torres Strait Regional Council footprint is on TI and here in Cairns office. Mayor Mosby also gave an acknowledgement of the Aboriginal traditional custodians across Australia and acknowledged their connection to these lands.
- Acknowledge our family members who are in Sorry Business at this time. Our thoughts and prayers are with them.

Chief Executive Officer, Mr James William confirmed the attendance of staff present at Council.

Mr James William asked our Mayor Mosby for his approval for an observer at Council today. Mayor Mosby agreed.

Mr James William introduced Mr David Kempton as an observer today. Mr David Kempton will be our Legal Counsel thus filling a significant gap in our capability. We are very fortunate to have him to provide support to Council.

Mr James William also welcomed new staff member, Mr Darryl Brooks in his capacity as Secretariat.

### **Opening Prayer**

Mayor Mosby invited our Cr Keith Fell, to open the meeting in a word of prayer at 9:06am.

Mayor Mosby requested for us to be upstanding to observe one minute silence for those families who are in Sorry Business. May their souls rest in peace.

## **AGENDA ITEM 2: APOLOGIES**

The following apologies were noted:

TSIRC	
Division 1 – Boigu	Cr Dimas Toby <i>(attending World Recreational Fishing Conference in Melbourne on 20-22 February 2023) *</i>
Division 3 – Saibai	Cr Conwell Tabuai
Division 13 – Ugar	Cr Rocky Stephen <i>(attending World Recreational Fishing Conference in Melbourne on 20-22 February 2023) *</i>

*(\*) The TSIRC Chief Executive Officer requested that the Council note that a later paper will be submitted to the Council's Ordinary Meeting on 21 February 2023 seeking Council's approval for the attendance of Cr Dimas Toby and Cr Rocky Stephen as the Council's representatives at the World Recreational Fishing Conference being held in Melbourne on 20-22 February 2023.*

<b>MOTION MOVED:</b>	<i>Cr Dimas Toby</i>
<b>MOTION SECONDED:</b>	<i>Cr Torenzo Elisala</i>
<b>THOSE IN FAVOUR OF MOTION:</b>	<i>Unanimous</i>
<b>THOSE NOT IN FAVOUR OF MOTION:</b>	<i>N/A</i>
<b>OUTCOME:</b>	<b>MOTION CARRIED</b>

### **ACTION ITEM**

Ms Julia Mauro to investigate Torres Strait Island Regional Council's sitting fee obligations with regard to Councilors not attending Council meetings.

*Council also noted and supported a verbal request by Cr. Nona for a short absence from part of the afternoon meeting to attend to 'Sorry Business' on Badu.*

**AGENDA ITEM 3: DECLARATION OF CONFLICT OF INTEREST (PRESCRIBED AND DECLARABLE)**

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. Cr. Keith Fell commented on the issue of a Register for the Council in relation to Conflict of Interest (Prescribed and Declarable). Mayor Mosby advised that this matter may need to be explored further off-camera.

Cr Jimmy Gela, declared his brother is the General Manager for SeaQ (as we are going to be discussing leases). Mayor Mosby declared he is a member of the board for the PBC for Poruma. Ms Julia Mauro checked our Policy for compliance and the outcome was noted.

No other declarations were made by members. Mayor Mosby encouraged Councillors to be mindful of making relevant declarations if other matters arose throughout the duration of the meeting.

**AGENDA ITEM 4: CONFIRMATION OF PREVIOUS COUNCIL ORDINARY MEETING MINUTES Resolution**

That the Minutes for the Council Trustee Meeting held on 24 January 2023 be accepted to be a true and correct account of the meeting.

<i>MOTION MOVED:</i>	<i>Division 11 (Cr. Pearson)</i>
<i>MOTION SECONDED:</i>	<i>Division 14 (Cr. Jimmy Gela)</i>
<i>THOSE IN FAVOUR OF MOTION:</i>	<i>Unanimous</i>
<i>THOSE NOT IN FAVOUR OF MOTION</i>	<i>N/A</i>
<i>OUTCOME</i>	<i>MOTION CARRIED</i>

**AGENDA ITEM 5: TRUSTEE OUTSTANDING ACTION ITEMS**

Councillors **NOTED** that the list outstanding action items had dropped off and **REQUESTED** that a review of that listing be undertaken prior to the next Council meeting to ensure that it is updated. The Chief Executive Officer and our Mayor Mosby to review action items listing prior to each Trustee and Council meeting.

Minutes of January 2023 reported an Action Item - Cr Aven S. Noah will needed to align with appropriate Executive Directors re: Priority Listing.

<i>MOTION MOVED:</i>	<i>Division 12 (Cr. Mosby)</i>
<i>MOTION SECONDED:</i>	<i>Division 8 (Cr. Dorante)</i>
<i>THOSE IN FAVOUR OF MOTION:</i>	<i>Unanimous</i>
<i>THOSE NOT IN FAVOUR OF MOTION:</i>	<i>N/A</i>
<i>OUTCOME:</i>	<i>MOTION CARRIED</i>

**ACTION ITEM:**

1. Secretariat to audit and list action items and outcomes of the last three months for information of Mayor Mosby and our Chief Executive Officer.
2. The Chief Executive Officer and Mayor Mosby to review action items listing prior to each Trustee and Council meeting.

**AGENDA ITEM 6: STANDING AGENDA ITEMS (VERBAL UPDATE)**

- Undocumented commercial land occupation project

Ms Julia Mauro, provided a verbal update on the undocumented commercial land occupation project. In particular the Masig facility which Ms Mauro is preparing a report for Council.

- DOGIT Transfers

Ms Julia Mauro, provided a verbal update of the DOGIT Transfers.

Mr James William reported that he, Mr Andrew Kerr (Preston Law) and Ms Emma Fenby (Native Title and Indigenous Land Services), held a video conference with Minister.

Cr Getano Lui, Deputy Mayor, advised Mr James William strongly to approach the Premier. Draft a letter as a matter of urgency to the Minister. Remind Minister that in December 2021 Minister stated they would not move on DOGIT until they were directed by Torres Strait Island Regional Council. The Premier must be contacted, DOGIT has to be on our timing this must be stopped.

**ACTION ITEM:**

The Chief Executive Officer to draft a letter as a matter of urgency to the Premier. Remind Minister that in December 2021 Minister stated they would not move on DOGIT until they were directed by Torres Strait Island Regional Council.

**AGENDA ITEM 7. TRUSTEE MOVE INTO CLOSED BUSINESS**

Chief Executive Officer sought advice from Ms Julia Mauro regarding conflict of interest pertaining to the following Closed Business discussion:

- Cr Jimmy Gela's brother is manager of SeaQ. Chief Executive Officer asked Cr Jimmy Gela if he wanted to stay in the Closed Meeting.
- Cr Francis Pearson declared he is a board member of the PBC.

- Councillor Aven S. Noah has a conflict of interest with the following discussion of Closed Business.
- Mayor Mosby is on the board of the PBC.

*9:50am Note: in accordance and compliance with Torres Strait Island Policies and Procedures – Legal, Mayor Mosby, Cr Aven S. Noah and Cr Francis Pearson left the meeting maintaining compliance.*

**RESOLUTION:**

That in accordance with section 254J of the *Local Government Regulation 2012* (Qld) it is resolved for the meeting to go into closed session to discuss matters of the following nature: Legal - CB – SeaQ Leases.

<i>MOTION MOVED:</i>	<i>Division 10 Cr Aven S. Noah</i>
<i>MOTION SECONDED:</i>	<i>Division 15 Cr Kabay Tamu</i>
<i>THOSE IN FAVOUR OF MOTION:</i>	<i>Unanimous</i>
<i>THOSE NOT IN FAVOUR OF MOTION:</i>	<i>N/A</i>
<i>OUTCOME:</i>	<i>MOTION CARRIED</i>

**AGENDA ITEM 8. Legal – CB – CEQ Leases**

Chief Executive Officer conferred with our Senior Legal Officer if Mayor Mosby had a conflict of interest in the following Closed Business discussions. The result was negative.

**10:00am Agenda 9. COUNCIL MOVE OUT OF CLOSED BUSINESS AND RESUME IN OPEN COUNCIL**

<i>MOTION MOVED:</i>	<i>Division 15 (Cr.Aven S. Noah)</i>
<i>MOTION SECONDED:</i>	<i>Division14 (Cr. Jimmy Gela)</i>
<i>THOSE IN FAVOUR OF MOTION:</i>	<i>Unanimous</i>
<i>THOSE NOT IN FAVOUR OF MOTION</i>	<i>N/A</i>
<i>OUTCOME</i>	<i>MOTION CARRIED</i>

**AGENDA ITEM 10: LEGAL - TR MASIG LOT 224 ON SP331538-LHA LEASE PARTIAL SURRENDER**

**Recommendation:**

That the Trustee accept the surrender of Lot 224 on SP331538 from *Land Holding Act* (Katter) Lease No. 715653389 held by Flora Mosby, and authorise the Mayor and Chief Executive Officer each to sign the Form 8 surrender acceptance.

MOTION MOVED:	Division 15 (Cr.Aven S. Noah)
MOTION SECONDED:	Division14 (Cr. Jimmy Gela)
THOSE IN FAVOUR OF MOTION:	Unanimous
THOSE NOT IN FAVOUR OF MOTION:	N/A
OUTCOME:	Motion Carried

**AGENDA ITEM 11 NEXT MEETING – WARRABER- changed from original date of 21-22 March to 22-23 March 2023 due to cost of living summit on Thursday Island (Council Ordinary Meeting Agenda Item 12)**

Mayor Mosby advised Councillors that he is currently finalizing arrangements for the Council’s meeting on Warraber.

**ACTION**

Cr Noah to liaise with the Executive Director Corporate Services to clarify the status of correspondence he received on 3 February 2023 in relation to a power of veto matter.

**AGENDA ITEM 12: CLOSING REMARKS**

Our Mayor Mosby thanked the Council Trustee members, Chief Executive Officer and Executive Staff for their attendance and participation at the meeting.

MEETING CLOSED AT 10:30am

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Mr James William  
Chief Executive Officer  
Torres Strait Island Regional Council  
Date: 22 March 2023

.....  
Cr. Phillemon Mosby  
Mayor  
Torres Strait Island Regional Council  
Date: 22 March 2023