



# AGENDA

TORRES STRAIT ISLAND REGIONAL COUNCIL

February 2022

TRUSTEE MEETING

Tuesday, 15<sup>th</sup> February 2022

Video Conference

**TRUSTEE MEETING**  
**Tuesday, 15<sup>th</sup> February 2022**  
**Agenda Items**

- |    |                          |  |
|----|--------------------------|--|
| 1. | <u>9:00am - 9:03am</u>   | <u>Opening Prayer and Welcome</u>  |
| 2. | <u>9:03am – 9:05am</u>   | <u>Apologies</u>   |
| 3. | <u>9:05am - 9:10am</u>   | <u>Declaration of Conflict of Interest (COI) Declarable and Prescribed</u>   |
| 4. | <u>9:10am – 9:15am</u>   | <u>Confirmation of Trustee Meeting Minutes</u> <ul style="list-style-type: none"><li>• Trustee Meeting – 18<sup>th</sup> January 2022</li></ul>  |
| 5. | <u>9:15am – 9:20am</u>   | <u>Outstanding Action Items</u>  |
| 6. | <u>9:20am – 9:30am</u>   | <u>Standing Agenda Item: (verbal update)</u> <ul style="list-style-type: none"><li>• Undocumented commercial land occupation project – verbal update</li><li>• DOGIT Transfers – Verbal Update</li></ul> |
| 7. | <u>9:30am – 9:50am</u>   | <u>LEGAL – Status of LHA lease resolution</u>  |
| 8. | <u>9:50am – 9:55am</u>   | <u>Next meeting – Tuesday 22<sup>nd</sup> March 2022</u>   |
| 9. | <u>09:55am – 10:00am</u> | <u>Closing Remarks and Prayer</u>  |



# Draft Minutes

TORRES STRAIT ISLAND REGIONAL COUNCIL

JANUARY 2022

TRUSTEE MEETING

Tuesday, 18<sup>th</sup> January 2022

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 – 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, 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 Megan Barrett, Executive Director, Corporate Services  
Mr Dawson Sailor, Acting Executive Director, Building & Community Services (AEDBCS)  
Mr Adeah Kabai, Acting Executive Director, Engineering Services (EDES)  
Mr Peter Krebs, Manager Legal Services (MLS)  
Ms Nicola Daniels, Acting Executive Director, Financial Services (A/EDFS)  
Mrs Ursula Nai, Senior Executive Assistant (SEA)  
Mr Jacob Matysek, Executive Assistant to the Mayor (EA)  
Ms May Mosby, Acting Secretariat Officer (ASO)

## **APOLOGIES**

Nil

**TRUSTEE MEETING**  
**Tuesday, 18<sup>th</sup> January 2022**

**1. 9:00am - 9:03am Opening Prayer and Welcome**

Mayor Mosby established a quorum and opened the meeting with a welcome and acknowledged:

- Our Heavenly Father for his wisdom knowledge and understanding
- Traditional owners of the lands we meet on today and across the length and breadth of Torres Strait
- All Elders past, present and emerging
- Executive Staff
- Jacob Matysek to the new appointment of Executive Assistant to the Mayor

Mayor Mosby invited Cr John Levi to open the meeting in prayer at 9:23am.

Mayor Mosby encouraged Councillors who may have flu like symptoms to ensure they get tested straight away.

Mayor Mosby also acknowledged staff who worked behind the scenes, in particular, acknowledging Mr Dawson Sailor, in his capacity as Acting Chief Executive Officer whilst Mr David Baldwin, Acting Chief Executive Officer was on leave during the Christmas shutdown. Mayor Mosby thanked Mr Dawson Sailor for his outstanding commitment given the current issue of COVID19 thus demonstrating commitment and dedication to our people in the region and the Executive Team for supporting Mr Dawson Sailor.

Acknowledgement was also given to the Local Disaster Management Group, Mr Adeah Kabai, Acting Executive Director Engineering Services, Mr Mat Brodbeck, Manager Engineering Operations and Mr David Baldwin, Acting Chief Executive Officer for working behind the scenes in addressing COVID19 situation in the region.

Mayor Mosby welcomed Mr Jacob Matysek to TSIRC and gave a brief overview of this role as Executive Assistant to the Mayor. Cr Keith Fell asked if he could be provided with Mr Jacob Matysek's contact details.

**2. 9:03am – 9:05am Apologies**

No formal apologies. Councillors noted that Cr Conwell Tabuai, Cr Torenzo Elisala and Cr Laurie Nona would be running late.

**3. 9:05am - 9:10am Declaration of Conflict of Interest (COI) Declarable and Prescribed**

Cr Jimmy Gela declared a Prescribed Conflict of Interest in Trustee Meeting Agenda Item 8 – LEGAL – CB – CEQ (IBIS Stores) Leases. This prescribed conflict of interest arises as his brother Fred Gela is an employee of CEQ and therefore a close associate under s150EJ. Cr Jimmy Gela declared an interest under s150EL 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.

Cr Kabay Tamu declared a Prescribed Conflict of Interest in Trustee Meeting Agenda Item 8 – LEGAL – CB – CEQ (IBIS Stores) Leases. This prescribed conflict of interest arises as his father, Samuel Tamu is an employee of CEQ and therefore a close associate under s150EJ. Cr Kabay Tamu declared an interest under s150EL 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.

4. **9:10am – 9:15am** **Confirmation of Trustee Meeting Minutes**
- Trustee Meeting – 7<sup>th</sup> December 2021
- RESOLUTION:**  
*Moved: Cr Aven Noah, Second: Cr Jimmy Gela*  
**That the Trustee accepts the minutes of the Trustee meeting held on the 7<sup>th</sup> December 2021 as a true and accurate account of that meeting.**
- MOTION CARRIED UNANIMOUS**
5. **9:15am – 9:20am** **Outstanding Action Items**
- Mr Peter Krebs, Manager Legal Services updated the Trustee on the one action item listed and advised the meeting that a draft letter to the Minister has been prepared and under the hand of the Mayor, subject to approval.
- ACTION ITEM:** Mr Peter Krebs, Manager Legal Services to follow up with Mayor on the draft letter.
6. **9:20am – 9:30am** **Standing Agenda Item: (verbal update)**
- Undocumented commercial land occupation project – verbal update
  - DOGIT Transfers – Verbal Update
- Mr Peter Krebs, Manager Legal Services provided the Trustee with a verbal update on the above topics.
- 9:30am – Cr Jimmy Gela and Cr Kabay Tamu left the meeting due to their earlier declared Prescribed conflict of interest.
7. **9:30am – 9:30am** **TRUSTEE MOVE INTO CLOSED BUSINESS**
- RESOLUTION:**  
*Moved: Cr Francis Pearson; Second: Cr Rocky Stephen*  
**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 UNANIMOUS**
8. **LEGAL – CB – CEQ (IBIS Stores) Leases**
- 9:54am – Cr Conwell Tabuai joined the meeting  
 10:00am – Cr Laurie Nona joined the meeting  
 10:15am – Cr Torenzo Elisala joined the meeting
9. **10:30am – 10:30am** **TRUSTEE MOVE OUT OF CLOSED BUSINESS AND RESUME IN OPEN COUNCIL**
- RESOLUTION:**  
*Moved: Cr Aven Noah; Second: Cr Keith Fell*  
**That the Trustee move out of Closed Business and resume the Trustee meeting in open business.**
- MOTION CARRIED UNANIMOUS**
- 10:30am – 10:35am** **LEGAL – CB – CEQ (IBIS Stores) Leases**
- MATTER LEFT LAYING ON THE TABLE**

**MORNING TEA 10:35am – 10:52am**

10:35am - Cr Jimmy Gela and Cr Kabay Tamu re-joined the meeting.

**10. 10:52am – 11:10am     LEGAL – LHA Lease Transfer: Hammond Lot 57 on SP248418**

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

11:07am – Councillor Keith Fell left the meeting.

**RESOLUTION:**

*Moved: Cr Seriako Dorante; Second: Cr Francis Pearson*

**The Trustee resolves pursuant to the *Aboriginal and Torres Strait Islander Land Holding Act 2013* to:**

- **consent to the transfer of a trustee lease (Lease No. 719137188) from Veronica Elizabeth Sabatino over Lot 57 on SP248418 (title reference 51067191) to Francis Raymond Sabatino and Kevin Cosmas Sabatino; and**
- **delegate to the Mayor and the Chief Executive Officer each the power to execute the General Consent form.**

**MOTION CARRIED UNANIMOUS**

**11. 11:10am – 11:12am     LEGAL – LHA Lease Transfer: Boigu Lot 21 & 25 SP273190**

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

**RESOLUTION:**

*Moved: Cr Dimas Toby; Second: Cr Torenzo Elisala*

**The Trustee resolves pursuant to the *Aboriginal and Torres Strait Islander Land Holding Act 2013* to:**

- **consent to the transfer of a trustee lease (Lease No. 721011125) from Enna Matthew and Robbie Matthew over Lot 21 on SP273190 (title reference 51146278) to Jack Robinson Matthew;**
- **consent to the transfer of a trustee lease (Lease No. 721011128) from Enna Matthew and Robbie Matthew over Lot 25 on SP273190 (title reference 51146282) to Jack Robinson Matthew; and**
- **delegate to the Mayor and the Chief Executive Officer each the power to execute the General Consent forms.**

**MOTION CARRIED UNANIMOUS**

**12. 11:12am – 11:43am                     LEGAL – Expenditure of Saibai DOGIT funds**

Mr Peter Krebs, Manager Legal Services spoke to this report. An in-depth discussion took place around expenditure and funding to repair the roof of the Holy Trinity Church on Saibai. Cr Conwell Tabuai stated he will take on any decisions made from this meeting beneficial to the community.

11:35am – Cr Keith Fell re-joined the meeting

**RESOLUTION:**

*Moved: Cr Lama Trinkoon; Second: Cr John Levi*

**The Trustee resolves to:**

- **endorse the subsequent expenditure of Saibai Deed Of Grant In Trust (“DOGIT”) funds for the purpose of repairing the Holy Trinity Church Lot 82 on SP267944, Saibai Island (title reference 51134336);**
- **note that the utilisation of the funds is for the maintenance or enhancement of the Saibai DOGIT;**

- apply to the Department of Environment and Science for a Heritage Exemption Certificate to allow Council to undertake the repair works;
- recommend that Council approve the subsequent expenditure of Saibai DOGIT funds in its annual budget; and
- delegate to the Chief Executive Officer the power to do all things necessary to apply for a Heritage Exemption Certificate, authorise and pay for the repair works.

**MOTION CARRIED UNANIMOUS**

**ACTION:** Ms Nicola Daniels, Acting Executive Director, Financial Services to put together a budget for consideration.

**ACTION:** Mr Peter Krebs, Manager Legal Services to review the current policy around DOGIT Funding.

### **STRATEGIC MATTERS**

#### **1. Shooter's Licence:**

Mr Peter Krebs, Manager Legal Services raised the issue of an application received for a shooter's licence on Hammond Island to grant landowner permission to issue a licence to shoot on DOGIT land, however there is nothing in the Trustee policy about the process. Cr Seriako Dorante advised that he has not pursued the matter further until he sought further advice from Trustee. Cr Seriako Dorante also enquired if there was a register of granted permits.

Mr Peter Krebs, Manager Legal Services advised there was no permit, but under the Weapons Act, there are provisions for the Trustee to create one. It is a requirement under the Weapons Act for the applicant for a shooters licence to have landowner permission before a licence can be granted by the QPS.

**ACTION ITEM:** That Trustee refer the matter to Culture, Arts, Land and Heritage Committee to prepare a policy for Trustee consideration.

#### **2. IBIS:**

Cr Dimas Toby raised the possibility of community organisations taking over the running of IBIS stores.

**ACTION:** Secretariat to add IBIS leases as an Agenda Topic for the next SARG meeting to look at putting together a framework.

#### **13. 12:03pm – 12:03pm                      Next meeting – Tuesday 15<sup>th</sup> February 2022**

To be confirmed in Agenda Item 24 – Corporate – Change of February OM Meeting Place

#### **14. 12:03pm – 12:12pm                      Closing Remarks and Prayer**

Mayor Mosby acknowledged and thanked Councillors and Staff for their contributions and declared the Trustee Meeting closed.

**MEETING CLOSED: 12:12PM**

.....  
Mr David Baldwin  
Acting Chief Executive Officer  
Torres Strait Island Regional Council  
Date:

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



Action Items List - Ongoing

Date	Month of Meeting	Year	Type of Meeting	Community	Agenda Report	Action	Lead Officer	Advisory Officer	Budget (Y/N)	Plans - Op Plan, AMPs, Risk Register (Y/N)	Lead Officer Comments
18	January	2022	Trustee	VC	Outstanding Action Items	Manager Legal Services to follow up with Mayor regarding draft letter subject to approval	Manager Legal Services				Completed. Letter sent to Minister Stewart on 3/2/2022
18	January	2022	Trustee	VC		Acting Executive Director, Financial Services to put together a budget for consideration.  LEGAL – Expenditure of Saibai DOGIT funds	Acting Executive Director Financial Services				Per the Reserve Policy any expenditure of DOGIT funds must be included in Council's budget process. An expenditure request form must be completed and submitted 8 weeks prior to budget adoption. The budget process has been started and the next budget due for adoption due by 1 August 2022. AEDFS will email all Councillors with process and form for their information. Expenditure relating to Saibai will be included in the 2022-23 Original Budget.
18	Januar	2022	Trustee	VC		Manager Legal Services to review the current policy around DOGIT Funding.  LEGAL – Expenditure of Saibai DOGIT funds	Manager Legal Services				Policy is due to be reviewed and in progress. Noting the current policy allows for inclusion of the expenditure in Council's annual budget and budget review process. The budget process takes extensive resources to undertake hence the reason there is only 2 budget adoptions a year ie Original Budget and Budget Review. Due to resources required to undertake the budget process it will not be feasible to add additional budget amendments into the current process without Council allocating additional resources.
18	January	2022	Trustee	VC	Strategic Matters - Shooter's Licence	That Trustee refer the matter to Culture, Arts, Land and Heritage Committee to prepare a policy for Trustee consideration.	Manager Legal Services				Report to be prepared for Standing Committee consideration on 25/2/2022



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## TRUSTEE REPORT

<b>ORDINARY MEETING:</b>	February 2022
<b>DATE:</b>	15 February 2022
<b>ITEM:</b>	Agenda Report for noting by Trustee
<b>SUBJECT:</b>	Status of LHA lease resolution
<b>AUTHOR:</b>	Julia Maurus, Senior Legal Officer
<b>PRESENTER:</b>	Peter Krebs, Manager Legal Services

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### **Recommendation:**

The Trustee resolves to note the report.

### **Executive Summary:**

This report provides the Trustee with a status update on the resolution of *Land Holding Act* (Katter) lease entitlements in Torres Strait.

### **Background:**

Council is working with the Department of Seniors, Disability Services, and Aboriginal and Torres Strait Islander Partnerships (ATSIP), Department of Resources and Department of Communities, Housing and Digital Economy (DCHDE) to facilitate private home-ownership and the resolution of Land Holding Act ("Katter") perpetual lease interests in the region.

The steps required for the resolution of a Katter lease entitlement are:

- i. ATSIP consultation regarding home ownership responsibilities. Entitlement holder/beneficiary signs a letter confirming understanding of home ownership. (For either vacant land or house)
- ii. If the entitlement holder/beneficiary is not the current tenant of the house, it may be necessary to wait for the tenant to be relocated to another social house.
- iii. If there is no practical obstacle, Department of Resources will grant the lease to the entitlement holder, or beneficiary/beneficiaries. TSIRC is notified of the pending registration of a lease and given an opportunity to object if there is a practical obstacle.
- iv. When the lease commences, TSIRC removes the house from its asset database and the general tenancy agreement terminates.
- v. If the entitlement holder/beneficiary is the tenant of the LHA house, DCHDE will inspect the house, identifying any maintenance required.
- vi. Maintenance work undertaken by DCHDE.
- vii. The entitlement holder/beneficiary signs a form confirming maintenance has been completed.
- viii. Agreement to Transfer Dwelling is executed or gazette notice is published (depending on the type of entitlement).
- ix. The house now belongs to the entitlement holder/beneficiary.

### **Comment:**

Please refer to the **attached** status updates from ATSIP, DCHDE and the Department of Resources.

## **Considerations:**

### Risk Management

TSIRC is notified of the pending registration of a lease and given an opportunity to object if there is a practical obstacle.

Following audit, Council is undertaking a reconciliation to ensure that Council's land record, lease database and asset database reflect the current status of each lease entitlement and dwelling.

### Council Finance

#### Capital Cost

- Divestment of Council assets (reduces Council's social housing stock and tenancy revenue). In November 2018, the CEO under delegated authority confirmed the peppercorn divestment of social housing assets for the purpose of resolving LHA lease entitlements.
- State is bearing the cost of bringing houses up to a safe standard before ownership transfer.

#### Operating Cost

- Divestment of Council assets (reduces Council's social housing stock and tenancy revenue).

## **Consultation:**

- Department of Seniors, Disability Services, and Aboriginal and Torres Strait Islander Partnerships (ATSIP)
- Department of Resources
- Department of Communities, Housing and Digital Economy (DCHDE)

## **Links to Strategic Plans:**

TSIRC Corporate Plan 2020–2025

Delivery Pillar: Sustainability

Outcome 8: We manage council affairs responsibly for the benefit of our communities

- 8.1: Effective management of DOGIT Land as a Trustee

Operational Plan 2021–2022

- LHA (Katter) lease resolution

## **Statutory Requirements:**

*Aboriginal and Torres Strait Islander Land Holding Act 2013 (Qld)*

*Torres Strait Islander Land Act 1991 (Qld)*

*Aboriginal Land Act 1991 (Qld)*

## **Conclusion:**

It is recommended that the Trustee note this report.



### **Recommended:**

Peter Krebs  
Manager Legal Services



### **Endorsed:**

Megan Barrett  
Executive Director, Corporate Services



### **Endorsed:**

Hollie Faithfull  
Acting Chief Executive Officer



**CURRENT SUMMARY**  
**GRANTED / SURRENDERED LEASES AND LEASE ENTITLEMENTS AND INVALID APPLICATIONS**  
**UNDER THE 1985 AND 2013 ABORIGINAL AND TORRES STRAIT ISLANDERS LAND HOLDING ACTS**  
**BY COMMUNITY**  
**UPDATED AS AT 17 January 2022**

**TORRES STRAIT REGIONAL COUNCIL**

Island Community	Perpetual Leases Granted	Currently Registered	Entitlements	Invalid Applications	Surrendered Lease Ent	Surrendered (Granted Lease)	Total Applications
Badu	18	18	2	13	0	0	33
Boigu	15	15	30	12	2	0	60
Hammond	22	22	0	31	0	0	53
Kubin	4	4	0	16	0	0	20
Iama	0	0	0	33	0	0	33
Mabuiag	12	12	4	0	0	0	16
Masig	35	35	4	0	0	0	39
Poruma	26	26	0	1	0	0	27
Saibai	2	2	3	2	7	0	15
St Pauls	23	23	2	1	0	0	26
Ugar	4	4	2	7	0	0	13
Warraber	10	10	5	0	3	0	19
<b>TOTAL (12)</b>	<b>171</b>	<b>171</b>	<b>52</b>	<b>116</b>	<b>12</b>	<b>0</b>	<b>354</b>

# LAND HOLDING ACT (LHA) PROJECT UPDATE

## Torres Strait Island Regional Council area update – 18 January 2021

### Engagement to resolve asset and land

Total number of valid applications	Engagement completed	Engagement not completed	Surrendered leases (granted/entitlements)
238	178	47 (20 unable to be resolved)	13

### Beneficiary assessments

Total number of assessments required	Assessments completed	Assessments not completed
245	226	19 (5 unable to be resolved)

**DCHDE - LAND HOLDING ACT PROJECT UPDATE**

Torres Strait Island Regional Council

17<sup>th</sup> January 2022

Works Program to be fully completed by June 30 2022					
182 social dwellings on LHA entitlements or leases					
Dwellings billed as completed	Dwellings with TSIRC to complete works	Dwellings scoped and quotes not received. With QBuild or TSIRC	Dwellings scoped with RHO for sending	Dwellings not scoped	Quotes on Hold
82  <ul style="list-style-type: none"> <li>53 fully completed</li> <li>29 with defects or further work required</li> </ul>	53  <ul style="list-style-type: none"> <li>All at various stages</li> </ul>	34  May be waiting on asbestos samples to tender	1  RHO to send to QBuild as soon as complete (waiting on engineer's report)	8  RHO to scope	4  Waiting further advise  Eg; engineering, etc.
Of the 182 properties 4 are confirmed and approved demolitions					
21 social housing dwellings have transitioned to home ownership					
13 social dwellings with entitlements or leases have surrendered					