



Minutes

TORRES STRAIT ISLAND REGIONAL COUNCIL

JANUARY 2022

TRUSTEE MEETING

Tuesday, 18th 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, 18th 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 – 7th December 2021
RESOLUTION:
Moved: Cr Aven Noah, Second: Cr Jimmy Gela
That the Trustee accepts the minutes of the Trustee meeting held on the 7th 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 15th 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



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Ms Hollie Faithfull
Acting Chief Executive Officer
Torres Strait Island Regional Council
Date: 15th February 2022



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Cr Phillemon Mosby
Mayor
Torres Strait Island Regional Council
Date: 15th February 2022