



Trustee Council Meeting | Agenda

Date: 20 February 2024

Time: 9.00am to 10.30am

Venue: **TEAMS MEETING**

Meeting ID: 494 678 621 556

Passcode: d5wgcD

Time	Subject
9.00am	<ol style="list-style-type: none">1. Welcome Quorum Confirmation Opening Prayer2. Apologies3. Conflict of Interest (COI) - Declarable/Prescribed4. Confirmation of Trustee Council Meeting Minutes – January 20245. Action Items from Previous Meetings6. CORPORATE SERVICES: Amendment of Social Housing Lease – St Pauls on Mua Island7. CORPORATE SERVICES: LHA lease transfer: Hammond Lot 7 on SP2484188. BUSINESS ARISING9. Next Trustee Council Meeting Date: 5 March 2024 (Iama)
10.25am	<ol style="list-style-type: none">10. Official Close & Prayer



Draft Minutes

TRUSTEE COUNCIL MEETING

23 January 2024

PRESENT:

Councillors

Mayor

Division 2 – Dauan

Division 3 – Saibai

Division 4 – Mabuiag

Division 5 – Badu

Division 6 – Arkai

Division 8 – Kirirri

Division 9 - Iama

Division 10 – Warraber

Division 12 – Masig

Division 13 - Ugar

Division 14 - Erub

Division 15 – Mer

Cr Phillemon Mosby

Cr Torenzo Elisala

Cr Conwell Tabuai

Cr Keith Fell

Cr Ranetta Wosomo

Cr Lama Trinkoon

Cr Seriako Dorante

Cr Getano Lui (Jnr) AM (**Deputy Mayor**)

Cr Kabay Tamu

Cr Hilda Mosby

Cr Rocky Stephen

Cr Jimmy Gela

not represented

Officers:

Chief Executive Officer

Executive Director Building Services

Executive Director Community Services

Executive Director Corporate Services

Executive Director Engineering Services

Executive Director Financial Services

Executive Assisting the Executive Director Corporate Services

Senior Legal Officer

Executive Support Coordinator

Executive Assistant to the Mayor

Secretariat

Mr James William

Mr Wayne Green

Mr Dawson Sailor

Ms Susanne Andres

Mr David Baldwin

Ms Hollie Faithfull

Mr Gary Stevenson PSM

Ms Julia Mauro

Ms Sharon Russell

Ms Trudy Lui

Darryl Brooks

APOLOGIES:

Division 1 - Boigu

Division 7 – Wug (St Pauls)

Division 11 – Poruma

Cr Dimas Toby – *Sorry Business*

Cr John Levi * *unable to join meeting due to inclement weather impacting on IT technology*

Cr Francis Pearson* *unable to join meeting due to inclement weather impacting on IT technology*

1. Welcome & Quorum Confirmation

The Mayor formally opened the January 2024 at 9.20am, noting that a quorum of members were present.

Mayor Mosby welcomed attendees and made the following acknowledgements:

- The Traditional Custodians of the Cairns region whose Country has been hosting this month's meeting of the SARG Committee;
- The Traditional Custodians throughout Zenadth Kes and the communities and constituents that Council serves; and
- Our Heavenly Father for his awesome wisdom, knowledge, understanding, favour and blessings throughout our lives.

The Mayor expressed thankfulness to see Councillors once again and looked forward to working with Councillors in 2024 and especially for the remainder of this term of Council.

On behalf of the entire TSIRC, the Mayor also conveyed a very special 'thank you' to Council's Engineering staff who were on call over the shutdown period in order to maintain operations right across the TSIRC footprint for our communities. Such work is so often taken for granted, but needs to be acknowledged by Council. The Mayor asked the Executive Director Engineering Services to convey these sentiments to his staff.

The Mayor also thanked and acknowledged the Deputy Mayor for his leadership of Council in the lead-up to the end of 2023 during the Mayor's convalescence. The Mayor also thanked Councillors for ongoing commitment to the work of the Council.

2. Opening Prayer

The Deputy Mayor delivered the opening prayer and the Mayor invited participants to observe a minute of silence for remembrance.

3. Apologies

The following apologies were noted:

Division 1 - Boigu
Division 7 – Wug (St Pauls)
Division 11 – Poruma

Cr Dimas Toby
Cr John Levi
Cr Francis Pearson

RESOLUTION

Moved: Cr Ranetta Wosomo

Second: Cr Keith Fell

Council accepts the apology of Cr Dimas Toby for the January 2024 Trustee Council Meeting.

CARRIED UNANIMOUSLY

RESOLUTION

Moved: Cr Keith Fell

Second: Cr Ranetta Wosomo

Council accepts the apology of Cr John Levi for the January 2024 Trustee Council Meeting.

CARRIED UNANIMOUSLY

RESOLUTION

Moved: Cr Keith Fell

Second: Cr Hilda Mosby

Council accepts the apology of Cr Francis Pearson for the January 2024 Trustee Council Meeting.

CARRIED UNANIMOUSLY

4. Conflict of Interest (COI) - Declarable/Prescribed

The Mayor invited Councillors to make any relevant conflict of interest declarations and to also advise if they were currently involved in any legal proceedings which pertain to the Trustee Council business to be considered at the meeting. No declarations were made.

5. Confirmation of Council Trustee Meeting Minutes - December 2023

RESOLUTION

Moved: Cr Ranetta Wosomo

Second: Cr Lama Trinkoon

Trustee Council confirms that the Minutes for the Council Trustee Meeting held on 12-19 December 2023 are a true and accurate record of that meeting.

CARRIED UNANIMOUSLY

6. Action Items from Previous Trustee Council Meetings

The Trustee Council noted the verbal update provided by the Chief Executive Officer on the status of Action Items arising from the previous meeting, as well as outstanding action items from previous meetings.

7. CORPORATE SERVICES: Iama (Yam) Island, Deeds of Grant in Trust

OFFICER RECOMMENDATION:

That the Trustee note the report.

Ms Julia Mauro (Senior Legal Officer) spoke to the report. The Trustee Council noted the report.

8. CORPORATE SERVICES: Delegations Update

Mr Gary Stevenson PSM (Executive Assisting the Executive Director Corporate Services) spoke to this report.

RESOLUTION

Moved: Cr Rocky Stephen

Second: Cr Hilda Mosby

1. Updates to existing delegations:

That, pursuant to section 257 of the *Local Government Act 2009*, the Trustee delegate to the Chief Executive Officer the exercise of powers under the following statutory instruments and these powers must be exercised subject to Ailan Kastom and any limitations contained in Schedule 2 of the attached Instruments of Delegation (consistent with Attachment 2 of Council's briefing report):

Statutory Instrument:	The powers delegated are contained in Schedule 1 of the Instrument of Delegation attached to Council's briefing
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	report as:
Land Act 1994 (Qld) (LANA)	Attachment 1

2. Annual confirmation of existing delegations:

That, pursuant to section 257 of the *Local Government Act 2009*, the Trustee renew its delegation to the Chief Executive Officer to exercise powers under the following statutory instruments and these powers must be exercised subject to the consolidated "Schedule 2 Standard Limitations to the Exercise of Power" contained in Attachment 2 of Council's briefing report:

Statutory Instrument:	The powers delegated are contained in Schedule 1 of the Instrument of Delegation attached to Council's briefing report as:
Land Title Act 1994 (LATA)	Attachment 3
Mineral Resources Act 1989 (MIRA)	Attachment 4

3. Powers not delegated

And that Council resolve not to delegate any of its powers under the following statutory instruments, as this legislation is not appropriate to delegate because land issues should be put to the trustee and council:

- (a) *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011* (NDDF)

CARRIED UNANIMOUSLY

- *The Mayor and Deputy Mayor both took the opportunity to thank Mr Gary Stevenson PSM for his outstanding contributions to the work of the Trustee Council during his tenure in the role of Acting Executive Director Corporate Services.*
- *The Mayor requested that the Trustee Council move into Closed Business to discuss business for which public discussion would be likely to prejudice the interests of the Trustee Council or someone else.*

RESOLUTION TO MOVE INTO CLOSED BUSINESS

Moved: Cr Keith Fell

Second: Cr Francis Tamu

Council resolves to close the meeting to the public pursuant to Section 254J of the *Local Government Regulation 2012* to allow the Council to discuss business for which public discussion would be likely to prejudice the interests of the Trustee Council or someone else.

CARRIED UNANIMOUSLY

RESOLUTION TO MOVE OUT OF CLOSED BUSINESS

Moved: Cr Rocky Stephen

Second: Cr Conwell Tabuai

That Council resolve to re-open the meeting to the public pursuant to *Section 254I of the Local Government Regulation 2012*.

CARRIED UNANIMOUSLY

CONSIDERATION OF MATTERS DISCUSSED IN CLOSED BUSINESS

The Council noted a verbal update provided by the Chief Executive Officer in relation to DOGIT matters.

9. BUSINESS ARISING

Nil.

10. Next meeting: 20 February 2024 (TEAMS).

Noted by the Trustee Council.

- *Cr Torenzo Elisala advised the Trustee Council that he will not be able to attend this meeting due to prior commitments.*

16. Closing remarks and Prayer

The Mayor closed the Trustee Meeting at 10.25am.

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

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



TRUSTEE COUNCIL MEETING ACTION ITEMS

Agenda Item	Action	Action Area	Current Status
Nov 2023 Mtg AI 6 Action Items from Previous Meetings	ACTION: 1. <u>CEQ Matters</u> - Chief Executive Officer to liaise with Cr Dimas Toby in relation to CEQ Board engagement (particularly in relation to Seaswift matters, leasing, fuel matters and general pricing). 2. <u>Saibai Island Church</u> /options to assist in the maintenance and/or restoration of heritage-listed sites and buildings to be considered at the December 2023 meeting.	Chief Executive Officer / Corporate Services (Legal Services)	1. Remains in progress. 2. Ongoing work is taking place with the Department of Environment and Heritage, as this is a heritage listed building. Quotes due in the w/b 22/1/24. Cr Tabuai is being kept informed of developments.

TRUSTEE AGENDA REPORT

TRUSTEE MEETING:	February 2024
DATE:	20 February 2024
ITEM:	Agenda Item for Resolution by Trustee
SUBJECT:	Amendment of Social Housing Lease – St Pauls Community on Mua Island
PRESENTER:	Executive Director Corporate Services

Recommendation:

That the Trustee delegate to the Chief Executive Officer the power to finalise and execute on behalf of the Trustee, the amendments considered in this report to Lease No. 718552835, (the Lease) which was granted by the Trustee as lessor to the State of Queensland represented by Department of Housing.

Executive Summary:

The Trustee is asked to consider amending the Lease granted to the Department of Housing, replacing the existing rental amount of \$800.00 (eight hundred dollars) per annum, per dwelling, to an amount of \$1.00 (one dollar) per annum, per dwelling – which was the intended amount for this Lease. Thereby bringing the rental amount of the Lease in line with other Social Housing Leases in the Torres Strait Island local government area.

Background:

Council entered into a 40 Year Lease of three social housing dwellings with the Department of Housing on 1 January 2018 at St Pauls Community on Mua Island.

Due to an administrative error in the preparation of that Lease, the rental amount was incorrectly specified as \$800.00 (eight hundred dollars) per annum, per dwelling, rather than \$1.00 (one dollar) per annum, per dwelling.

The Trustee has been contacted by the State seeking their consent to correct the issue by amending the sum of rent in the lease from \$800.00 (eight hundred dollars) per annum per dwelling to \$1.00 (one dollar) per annum per dwelling.

The dwellings in question have been funded via the National Partnership Agreement on Remote Indigenous Housing ("NPARIH"). For dwellings funded under this program, Council, the State and relevant Prescribed Body Corporates are parties to a Social Housing Indigenous Land Use Agreement - whereby the State agrees to pay to the PBC for the social housing lease, \$800.00 (eight hundred dollars) per annum, per dwelling, which is intended to be equivalent to lease rent.

By entering into this Lease, the Trustee and the State have agreed contractually to a set of terms that includes the Department paying the higher amount as rent.

If the Trustee does not agree to amend the administrative error that occurred in the preparation of that Lease, the Department will be required to pay the contractually agreed rent as well as the compensation payable under the social housing Indigenous Land Use Agreements.

Given the agreement reached as part of the NPARIH program arrangements, it is considered that this issue is a discrepancy in the preparation of the Lease terms, and so the Trustee may form the view that, in the interests of productive inter-agency cooperation, it is preferable to correct the amount so that this Lease aligns with all others that are subject to equivalent arrangements in the Torres Strait Island local government area.

Considerations:

Council Finance

This amendment will reduce the amount of rent that the Department is liable to pay the Trustee, such that only a peppercorn rent of \$1.00 (one dollar) is payable for these assets.

There is no monetary cost to the Trustee associated with the amendment of this Lease, as these costs would be recoverable from the State.

Consultation:

Preston Law, 15 Spence Street, Cairns City 4870.

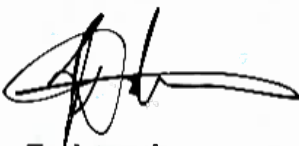
Conclusion:

That the Trustee delegate to the Chief Executive Officer the power to finalise and execute on behalf of the Trustee, the amendments considered in this report to Lease No. 718552835, which was granted by the Trustee as Lessor to the State of Queensland (represented by Department of Housing).



Recommended:

Susanne Andres
Executive Director, Corporate Services



Endorsed:

James William
Chief Executive Officer



TORRES STRAIT ISLAND REGIONAL COUNCIL

TRUSTEE REPORT

ORDINARY MEETING:	February 2024
DATE:	13 February 2024
ITEM:	Agenda Item for Resolution by Trustee
SUBJECT:	LHA lease transfer: Hammond Lot 7 on SP248418
AUTHOR:	Julia Mauro, Senior Legal Officer

Recommendation:

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. 719137195) from Rosina Hadassah Neibling over Lot 7 SP248418 (title reference 51067141) to Patricia Joy Sabatino; and
- delegate to the Mayor and the Chief Executive Officer each the power to execute the General Consent form.

Executive Summary:

This report proposes that the Trustee consent to the LHA (Katter) lease transfer for the lease over 7 Waterfront Road, Hammond Island (Lot 7 on SP248418).

Background:

The Katter lease over 7 Waterfront Road, Hammond Island was originally granted to Reginald Sabatino and Stanislaus Sabatino as joint tenants, commencing on 1 December 2018. Stanislaus Sabatino passed away, leaving Reginald Sabatino as the surviving joint tenant.

After Reginald Sabatino passed away, there was a dispute over who would inherit the Katter lease.

Rosina Neibling has been appointed as the personal representative of the estate of the late Reginald Sabatino. Her lawyers, Andrew Gardiner Law in Mooloolaba, have advised that the dispute has been resolved and the lease is to be transferred to Patricia Joy Sabatino.

Patricia Sabatino is represented by Holding Redlich. Holding Redlich advised Council on 14 December 2023 that the dispute is resolved and that Ms Sabatino supports the transfer of the lease to her (Patricia Sabatino).

Trustee consent is required to transfer a Katter lease.

Comment:

1. TSIRC is the lessor of the lease as the Hammond Island DOGIT Trustee.
2. Section 64 of the *Aboriginal and Torres Strait Islander Land Holding Act 2013* (Qld) states that a lease may be transferred only to an Aboriginal or Torres Islander person, or a spouse, or former spouse, of an Aboriginal or Torres Strait Islander person who is deceased, and the lessor must not unreasonably withhold its consent.
3. Under the current Trustee Policy, consent to the transfer of an LHA/Katter lease requires a Council resolution.

ConsiderationsRisk Management

Senior Legal Officer has reviewed the documents and all is in order. No identified risks.

Council Finance

Not applicable

Consultation:

- Supported by Cr Dorante. Cr Dorante has not declared any relationship that is a "close associate" or "related party" (a spouse, parent, child, sibling, employer, or partner in a partnership, or a person who has a close personal relationship with you) under sections 150EJ and 150EP of the *Local Government Act 2009* and is therefore allowed to participate in this Trustee decision.
- Andrew Gardiner Law, representing the personal representative of the estate of the late Reginald Sabatino.
- Holding Redlich, legal representative of the proposed transferee.

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:

LHA (Katter) lease resolution

Statutory Requirements:

Aboriginal Land Act 1991 (Qld)

Torres Strait Islander Land Act 1991 (Qld)

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

Conclusion:

It is recommended that the Trustee consent to the proposed transfer of this Katter lease.

**Recommended:**

Susanne Andres

Executive Director, Corporate Services

**Endorsed:**

James William

Chief Executive Officer