



# AGENDA

TORRES STRAIT ISLAND REGIONAL COUNCIL

November 2022

TRUSTEE MEETING

Thursday, 17<sup>th</sup> November 2022

Calvary Christian Church Cairns

**TRUSTEE MEETING**  
**Thursday, 17<sup>th</sup> November 2022**  
**Agenda Items**

- |    |                          |  |
|----|--------------------------|--|
| 1. | <u>9:00am - 9:05am</u>   | <u>Opening Prayer and Welcome</u>  |
| 2. | <u>9:05am – 9:10am</u>   | <u>Apologies</u>   |
| 3. | <u>9:10am - 9:15am</u>   | <u>Declaration of Conflict of Interest (COI) Declarable and Prescribed</u>   |
| 4. | <u>9:15am – 9:20am</u>   | <u>Confirmation of Trustee Meeting Minutes</u> <ul style="list-style-type: none"><li>• Trustee Meeting – 11<sup>th</sup> October 2022</li></ul>  |
| 5. | <u>9:20am – 9:30am</u>   | <u>Trustee Outstanding Action Items</u>  |
| 6. | <u>9:30am – 9: 45am</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>9:45am – 10:05am</u>  | <u>LEGAL - TR – LHA lease transfer: 46 Aikuru Street, Warraber Island</u>  |
| 8. | <u>10:05am – 10:05am</u> | <u>Next meeting – 13<sup>th</sup> December 2022 (Location to be confirmed)</u>   |
| 9. | <u>10:05am – 10:10am</u> | <u>Closing Remarks</u>   |

**MORNING TEA – 10:10AM – 10:30AM**



# Draft Minutes

TORRES STRAIT ISLAND REGIONAL COUNCIL

October 2022

TRUSTEE MEETING

Tuesday, 11<sup>th</sup> October 2022

Video Conference

**PRESENT:**

Cr Phillemon Mosby, Mayor  
Cr Dimas Toby, Division 1 – Boigu  
Cr Torenzo Elisala, Division 2 – Dauan  
Cr Conwell Tabuai, Division 3 – Saibai  
Cr Keith Fell, Division 4 – Mabuia  
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 – Kiriri (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 Rocky Stephen, Division 13 – Ugar (Stephen)  
Cr Jimmy Gela, Division 14 – Erub (Darnley)  
Cr Aven Noah, Division 15 – Mer (Murray)

**STAFF:**

Mr James William, Chief Executive Officer (CEO)  
Ms Hollie Faithfull, Executive Director, Financial Services (EDFS) – Dialling in to meeting mid-morning  
Mr David Baldwin, Executive Director, Engineering Services (EDES) – Dialling in later due to emergency operational matter  
Mr Wayne Green, Executive Director Building Services (EDBS)  
Mr Peter Krebs, Acting Executive Director Corporate Services (A/EDCS)  
Mr Dawson Sailor, Head of Community Services (HOCS)  
Ms Julie Marino, Executive Assistant to the CEO (EA)  
Ms May Mosby, Acting Secretariat Officer(A/SO)

**APOLOGIES:**

Nil

**TRUSTEE MEETING**  
**Tuesday, 11<sup>th</sup> October 2022**

**1.     9:00am - 9:10am                     Opening Prayer and Welcome**

Mayor Phillemon Mosby opened the Trustee Meeting for October with a welcome and roll call of each Councillor to establish a quorum and acknowledged:

- Our Heavenly Father for his awesome, wisdom, knowledge and understanding upon our lives. His blessings upon us all and our family, our region, our Organisation and where our footprints are.
- Traditional Owners of ples, past, present and emerging throughout the length and breadth of Zenadth Kes.
- Family sitting in sorry business on ples and on the mainland.

Mayor Mosby invited Cr Keith Fell to open the meeting in a word of prayer.

A minute's silence was observed as a mark of respect to families in sorry business throughout the region and on the mainland.

**2.     9:10am – 9:12am                     Apologies**

Nil apologies

9:12am – Cr Conwell Tabuai joined the meeting.

9:12am – Cr Hilda Mosby joined the meeting.

**3.     9:12am - 9:15am                     Declaration of Conflict of Interest (COI) Declarable and Prescribed**

Mayor Mosby encouraged Councillors to make a declaration of a Conflict of Interest or any relevant legal proceedings at any time during the meeting.

Cr Hilda Mosby declared a Declarable Conflict of Interest in Trustee Meeting Agenda Item 7 LEGAL – Development Application: Masig Lot 38 on SP277431 as persons involved are close relatives and therefore a related party under s150EP. Cr Hilda Mosby declared an interest under s150EQ(4). Upon legal advice, Cr Hilda Mosby remained in the meeting.

**4.     9:15am – 9:16am                     Confirmation of Trustee Meeting Minutes**

- Trustee Meeting – 20<sup>th</sup> September 2022

**RESOLUTION:**

*Moved: Cr Aven Noah; Second: Cr John Levi*

**That the Trustee accepts the minutes of the Trustee meeting held on 20<sup>th</sup> September 2022 as a true and accurate account of that meeting.**

**MOTION CARRIED UNANIMOUS**

**5.     9:16am – 9:29am                     Trustee Outstanding Action Items**

Mr Peter Krebs, Manager Legal Services provided the Trustee with an update on the Action Items register from September Trustee Meeting.

**9:29am – 9:44am**

**Standing Agenda Item: (verbal update)**

- Undocumented commercial land occupation project – verbal update

Mr Peter Krebs, Manager Legal Services provided a verbal update on the above topic and in particular, the status of IBIS stores. An in-depth discussion was had.

- DOGIT Transfers – Verbal Update

Mr Peter Krebs, Manager Legal Services provided a verbal update on the DOGIT Transfers.

9:34am – Cr Torenzo Elisala joined the meeting.

**ACTION:** Manager Legal Services to write a letter of invitation to the Minister responsible for DOGIT transfers to attend the November 2022 workshop.

**ACTION:** Manager Legal Services to follow up action regarding Ergon Energy to make them enter into a lease.

**ACTION:** That the current DOGIT policy to be reviewed by Culture, Arts, Land and Heritage Committee.

**ACTION:** Secretariat Officer to add the DOGIT Transfers as a standing agenda to the Culture, Arts, Land and Heritage Committee Agenda.

**ACTION:** Manager Legal Services obtain information on the case of Badu v Minister judicial review case (pre amalgamation case).

9:37am – Cr Dimas Toby joined the meeting.

6. **9:44am – 9:51am** **LEGAL - TR – Department of Education lease Poruma**

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

**RESOLUTION:**

*Moved: Cr Jimmy Gela; Second: Cr Torenzo Elisala*

That the Trustee resolve, pursuant to the Torres Strait Islander Land Act 1991 (Qld), to grant the State of Queensland represented by the Department of Education an extension to 18 September 2023 (a further 12-month extension) of the date for the satisfaction of the native title requirements in relation to the proposed lease of Poruma Lot 50 on SP270862, 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 UNANIMOUS**

7. **9:51am – 9:55am** **LEGAL – TR – Masig Lot 38 – consent to development application**

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

**RESOLUTION:**

*Moved: Cr Laurie Nona; Second: Cr Lama Trinkoon*

1. That the Trustee grant owner's consent to the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships in support of a development application for a Reconfiguration of Lot (1 lot into 3 lots) over **Lot 38 on SP277431** (38 Williams Road, Masig Island), on behalf of Dan Murray Mosby (the lessee of Land Holding Act Lease No. 715653388), to create new lots 38, 381 and 382 on SP308574; and

2. Authorise the Chief Executive Officer to sign the owner's consent form and, subject to local government approval, the resulting survey plans.

**MOTION CARRIED UNANIMOUS**

8. **9:55am – 10:02am** **LEGAL – TR – Telstra request to transfer lease interests to Amplitel**

Mr Peter Krebs spoke to the report. All communities were processed back at the September meeting on Poruma except for Kubin and Warraber due to the absence of the councillors.

**RESOLUTION:**

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

**Arkai/Kubin:** That the Trustee resolve, pursuant to the Torres Strait Islander Land Act 1991 (Qld), to consent to Telstra's lessee request to transfer or licence of **Lease T (716688153, Banks Peak) and Lease U (717120988, Kubin Village)** from Telstra Corporation Limited to Amplitel Pty Ltd as trustee for the Towers Business Operating Trust, care of Telstra Corporation Limited; and delegate to the Mayor and Chief Executive Officer each the power to sign and discharge lease transfer, Deed of Consent to Assignment and General Consent forms, as required.

**MOTION CARRIED UNANIMOUS**

**RESOLUTION:**

*Moved: Cr Kabay Tamu; Second: Cr Jimmy Gela*

**Warraber:** That the Trustee resolve, pursuant to the Torres Strait Islander Land Act 1991 (Qld), to consent to Telstra's lessee request to transfer or licence of **Lease T (715884606)** from Telstra Corporation Limited to Amplitel Pty Ltd as trustee for the Towers Business Operating Trust, care of Telstra Corporation Limited; and delegate to the Mayor and Chief Executive Officer each the power to sign and discharge lease transfer, Deed of Consent to Assignment and General Consent forms, as required.

**MOTION CARRIED UNANIMOUS**

9. **10:02am – 10:04am** **Next meeting – Thursday, 17<sup>th</sup> November 2022 – Cairns**
10. **10:04am – 10:14** **Closing Remarks**

Mayor Mosby declared the Trustee meeting closed to reconvene in Council Ordinary Meeting after morning tea.

**MEETING CLOSED - 10:14AM**

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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:

## STRATEGIC AND OPERATIONAL ACTIONS FROM COUNCIL TRUSTEE/ORDINARY MEETING

[illegible]



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## TRUSTEE REPORT

<b>ORDINARY MEETING:</b>	November 2022
<b>DATE:</b>	17 November 2022
<b>ITEM:</b>	Agenda Item for Resolution by Trustee
<b>SUBJECT:</b>	LHA lease transfer: 46 Aikuru Street, Warraber Island
<b>AUTHOR:</b>	Julia Maurus, Senior Legal Officer

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### 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. 719480484) from Maria Billy over Lot 27 on SP270859 (title reference 51056751) to Lui Tommy Billy; and
- delegate to the Mayor and the Chief Executive Officer each the power to execute the General Consent forms.

### Executive Summary:

This report seeks the Trustee's consent to a LHA/Katter lease transfer for 46 Aikuru Street, Warraber Island (Lot 27 on SP270859).

The lease transfer is supported by Cr Tamu.

### Background:

The Katter (LHA) lease for 46 Aikuru Street, Warraber Island (Lot 27 on SP270859) is currently registered in the name of Maria Billy.

Maria Billy wants to transfer her Katter lease to family member Lui Tommy Billy.

The Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (DSDSATSIP) Home Ownership Team is assisting the family with the lease transfer request.

This report proposes that the Trustee consent to the lease transfer.

### Comment:

1. This Land Holding Act lease (Lease No. 719480484) was granted under the *Aboriginal and Torres Strait Islander Land Holding Act 2013* (Qld) to Maria Billy over Lot 27 on SP270859. The lease commenced on 1 July 2019. TSIRC is the lessor of the lease.
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.

**Considerations**Risk Management

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

Council Finance

Not applicable

**Consultation:**

- Supported by Cr Tamu
- Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (DSDSATSIP) Home Ownership Team

**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:**

*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.

**Endorsed:**

James William

Chief Executive Officer